

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**COUNCIL MINUTE BOOK**

**OCTOBER 2023 – JANUARY 2024**

**VOLUME 1**



**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**MINUTES OF COUNCIL, CABINET AND COMMITTEE MEETINGS**

**VOLUME 1**

**OCTOBER – JANUARY 2023/34**

| Item |                                                                                 | Page (s) |
|------|---------------------------------------------------------------------------------|----------|
| 1.   | 19 October 2023: Area 1 Planning Committee                                      | 1 - 2    |
|      | <ul style="list-style-type: none"> <li>Minute Numbers: AP 1 23/25-30</li> </ul> |          |
| 2.   | 24 October 2023: Council (Special (1))                                          | 3 - 4    |
|      | <ul style="list-style-type: none"> <li>Minute Numbers: C 23/72-73</li> </ul>    |          |
| 3.   | 24 October 2023: Council (Special (2))                                          | 5 - 6    |
|      | <ul style="list-style-type: none"> <li>Minute Numbers: C 23/74-75</li> </ul>    |          |
| 4.   | 24 October 2023: Council                                                        | 7 - 18   |
|      | <ul style="list-style-type: none"> <li>Minute Numbers: C 23/76-95</li> </ul>    |          |
| 5.   | 1 November 2023: Area 2 Planning Committee                                      | 19 - 20  |
|      | <ul style="list-style-type: none"> <li>Minute Numbers: AP2 23/13-18</li> </ul>  |          |
| 6.   | 6 November 2023: Communities and Environment Scrutiny Select Committee          | 21 - 28  |
|      | <ul style="list-style-type: none"> <li>Minute Numbers: CE 23/42-50</li> </ul>   |          |
| 7.   | 8 November 2023: Cabinet                                                        | 29 - 32  |
|      | <ul style="list-style-type: none"> <li>Minute Numbers: CB 23/98-103</li> </ul>  |          |
| 8.   | 14 November 2023: Finance, Regeneration and Property Scrutiny Select Committee  | 33 - 38  |
|      | <ul style="list-style-type: none"> <li>Minute Numbers: FRP 23/24-33</li> </ul>  |          |

|     |                                                                                 |         |
|-----|---------------------------------------------------------------------------------|---------|
| 9.  | 16 November 2023: Overview and Scrutiny Committee                               | 39 - 42 |
|     | <ul style="list-style-type: none"> <li>Minute Numbers: OS 23/49-58</li> </ul>   |         |
| 10. | 29 November 2023: Licensing and Appeals Committee                               | 43 - 44 |
|     | <ul style="list-style-type: none"> <li>Minute Numbers: LA 23/21-25</li> </ul>   |         |
| 11. | 5 December 2023: Cabinet                                                        | 45 - 48 |
|     | <ul style="list-style-type: none"> <li>Minute Numbers: CB 23/104-110</li> </ul> |         |
| 12. | 6 December 2023: Area 2 Planning Committee                                      | 49 - 52 |
|     | <ul style="list-style-type: none"> <li>Minute Numbers: AP2 23/19-26</li> </ul>  |         |
| 13. | 12 December 2023: Council                                                       | 53 - 56 |
|     | <ul style="list-style-type: none"> <li>Minute Numbers: C23/96-99</li> </ul>     |         |
| 14. | 14 December 2023: Housing and Planning Scrutiny Select Committee                | 57 - 64 |
|     | <ul style="list-style-type: none"> <li>Minute Numbers: HP 23/33-45</li> </ul>   |         |
| 15. | 9 January 2024: Cabinet                                                         | 65 - 74 |
|     | <ul style="list-style-type: none"> <li>Minute Numbers: CB 24/1-15</li> </ul>    |         |
| 16. | 10 January 2024: (Extraordinary) Overview and Scrutiny Committee                | 75 - 78 |
|     | <ul style="list-style-type: none"> <li>Minute Numbers: OS 24/1-5</li> </ul>     |         |
| 17. | 10 January 2024: (Extraordinary) Cabinet                                        | 79 - 80 |
|     | <ul style="list-style-type: none"> <li>Minute Numbers: CB 24/16-19</li> </ul>   |         |
| 18. | 15 January 2024: Audit Committee                                                | 81 - 86 |
|     | <ul style="list-style-type: none"> <li>Minute Numbers: AU 24/1-9</li> </ul>     |         |

|     |                                                                                                                                                                                                                                                                                                                       |           |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 19. | 24 January 2024: General Purposes Committee                                                                                                                                                                                                                                                                           | 87 - 92   |
|     | <ul style="list-style-type: none"> <li>Minute Numbers: GP 24/1-9</li> </ul>                                                                                                                                                                                                                                           |           |
| 20. | 25 January 2024: Overview and Scrutiny Committee                                                                                                                                                                                                                                                                      | 93 - 98   |
|     | <ul style="list-style-type: none"> <li>Minute Numbers: OS 24/6-16</li> </ul>                                                                                                                                                                                                                                          |           |
| 21. | 31 January 2024: Housing and Planning Scrutiny Select Committee                                                                                                                                                                                                                                                       | 99 - 102  |
|     | <ul style="list-style-type: none"> <li>Minute Numbers: HP 24/1-5</li> </ul>                                                                                                                                                                                                                                           |           |
| 22. | Decisions taken by the Executive (Cabinet, Cabinet Member and Urgent)                                                                                                                                                                                                                                                 | 103 - 136 |
|     | <p>Decision Notices:</p> <ul style="list-style-type: none"> <li>D230104MEM</li> <li>D230105MEM</li> <li>D230106MEM</li> <li>D230107MEM</li> <li>D230108MEM –</li> <li>D230110MEM</li> <li>D240001MEM</li> <li>D240002CAB –</li> <li>D240010CAB</li> <li>D240011MEM</li> <li>D240012MEM</li> <li>D240013MEM</li> </ul> |           |

**NOTE:** In the case of items containing exempt information, the report must remain confidential but details of the decisions need not remain confidential.

**As part of the Council's environmental strategy, all Committee agenda, reports and minutes are produced with recycled paper and are available to view on line.**



# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **AREA 1 PLANNING COMMITTEE**

### **MINUTES**

**Thursday, 19th October, 2023**

**Present:** Cllr M A J Hood (Chair), Cllr D W King (Vice-Chair), Cllr L Athwal, Cllr K Barton, Cllr G C Bridge, Cllr J Clokey, Cllr A Cope, Cllr G B Hines, Cllr F A Hoskins, Cllr R W G Oliver, Cllr M R Rhodes and Cllr K S Tunstall

Apologies for absence were received from Councillors A Mehmet and B A Parry.

### **PART 1 - PUBLIC**

#### **AP1 23/25 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct. However, in the interests of transparency Cllr Rhodes advised that the planning agent was known to him in his role as an elected Member of the Borough Council. It was noted that the application was also to be considered by the Committee for reasons of transparency.

#### **AP1 23/26 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 1 Planning Committee held on 27 July 2023 be approved as a correct record and signed by the Chairman.

#### **AP1 23/27 GLOSSARY AND SUPPLEMENTARY MATTERS**

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

**DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE  
WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR  
COUNCIL FUNCTIONS)**

**AP1 23/28 TM/23/01673/FL - BUILDINGS AT TRENCH FARM,  
COLDHARBOUR LANE, HILDENBOROUGH, TONBRIDGE**

Demolition of existing buildings comprising Atcost barn and cart shed; erection of one 5-bed dwelling and part conversion and extension of existing barn to create one 4-bed dwelling (resubmission of approved application TM/21/00605/FL).

Due regard was given to the determining issues detailed in the report of the Director of Planning, Housing and Environmental Health including the principle of development, green belt considerations, design, character and appearance and the impact on ecology. Members were satisfied with the approach set out in respect of bats.

**RESOLVED:** That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environment Health, subject to the

(1) Addition of informative

1. During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.

[Speakers: Ms J Hampson on behalf of the applicant].

**MATTERS FOR INFORMATION**

**AP1 23/29 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS**

There were no updates in respect of planning appeals, public enquiries and hearings held since the last meeting of the Planning Committee. The Chair commented that updates would be reported to future meetings.

**AP1 23/30 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 7.55 pm



# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **COUNCIL MEETING**

### **MINUTES**

**Tuesday, 24th October, 2023**

At the special meeting of the Tonbridge and Malling Borough Council held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 24th October, 2023

**Present:** His Worship the Mayor (Councillor J R S Lark), the Deputy Mayor (Councillor S M Hammond), Cllr L Athwal, Cllr K Barton, Cllr Mrs S Bell, Cllr A G Bennison, Cllr R P Betts, Cllr T Bishop, Cllr M D Boughton, Cllr G C Bridge, Cllr C Brown, Cllr R I B Cannon, Cllr J Clokey, Cllr M A Coffin, Cllr A Cope, Cllr S Crisp, Cllr R W Dalton, Cllr D A S Davis, Cllr D Harman, Cllr P M Hickmott, Cllr G B Hines, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr D Keers, Cllr W J Mallard, Cllr A McDermott, Cllr A Mehmet, Cllr D W King, Cllr Mrs A S Oakley, Cllr R W G Oliver, Cllr W E Palmer, Cllr M R Rhodes, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton, Cllr M Taylor, Cllr D Thornewell, Cllr K S Tunstall and Cllr C J Williams

Apologies for absence were received from Councillors P Boxall, Mrs T Dean and B A Parry

### **PART 1 - PUBLIC**

#### **C 23/72 ADMITTANCE OF HONORARY FREEMAN**

Consideration was given to a Notice of Motion pursuant to Council Procedure Rule No. 5.18 submitted jointly by Councillors M Boughton, C Brown, M Coffin, R Dalton, D Davis, A Oakley and M Rhodes that the title of Honorary Freeman be conferred on Mrs Jill Anderson and Mr Nicolas Heslop in accordance with Section 249 of the Local Government Act 1972.

Members paid tribute to both nominees for exceptional public service, commitment, significant achievement and support over their terms of office.

It was proposed by Councillor Boughton and seconded by Councillor Coffin and

**RESOLVED:** That

- (1) in recognition of her eminent services to the Borough of Tonbridge and Malling, Mrs Jill Anderson be admitted as an

Honorary Freeman of the Borough pursuant to Section 249(5) of the Local Government Act 1972;

- (2) in recognition of his eminent services to the Borough of Tonbridge and Malling, Mr Nicolas Heslop be admitted as an Honorary Freeman of the Borough pursuant to Section 249(5) of the Local Government Act 1972; and
- (3) in pursuance of Section 249(9) of the Local Government Act 1972, expenditure be authorised to enable an address to be presented to each of the Honorary Freemen of the Borough referred to in (1) and (2) above.

**C 23/73     SEALING OF DOCUMENTS**

**RESOLVED:** That authority be given for the Common Seal of the Council to be affixed to any instrument to give effect to a decision of the Council incorporated into these Minutes and proceedings.

The meeting ended at 7.12 pm  
having started at 7.00pm

# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **COUNCIL MEETING**

### **MINUTES**

**Tuesday, 24th October, 2023**

At the special meeting of the Tonbridge and Malling Borough Council held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 24th October, 2023

**Present:** His Worship the Mayor (Councillor J R S Lark), the Deputy Mayor (Councillor S M Hammond), Cllr L Athwal, Cllr K Barton, Cllr Mrs S Bell, Cllr A G Bennison, Cllr R P Betts, Cllr T Bishop, Cllr M D Boughton, Cllr G C Bridge, Cllr C Brown, Cllr R I B Cannon, Cllr J Clokey, Cllr M A Coffin, Cllr A Cope, Cllr R W Dalton, Cllr D A S Davis, Cllr D Harman, Cllr P M Hickmott, Cllr G B Hines, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr D Keers, Cllr W J Mallard, Cllr A McDermott, Cllr A Mehmet, Cllr D W King, Cllr Mrs A S Oakley, Cllr R W G Oliver, Cllr W E Palmer, Cllr M R Rhodes, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton, Cllr M Taylor, Cllr D Thornevell, Cllr K S Tunstall and Cllr C J Williams

Apologies for absence were received from Councillors P Boxall, Mrs T Dean and B A Parry

### **PART 1 - PUBLIC**

#### **C 23/74 CONFERMENT OF THE TITLE OF HONORARY ALDERMAN**

Consideration was given to a Notice of Motion pursuant to Council Procedure Rule No 5.18 and submitted jointly by Councillors M Boughton, C Brown, M Coffin, R Dalton, D Davis, A Oakley and M Rhodes that the title of Honorary Alderman be conferred upon V Branson, Mr M Davis, Mrs A Kemp, Mr Brian Luker, Mr H Rogers and J Sergison in accordance with Section 249 of the Local Government Act 1972.

Members paid tribute to the exceptional service, commitment, significant achievement and support of the nominees during their term of office.

It was proposed by Councillor Boughton, seconded by Councillor Coffin and

**RESOLVED:** That in accordance with Section 249 of the Local Government Act 1972, the title of Honorary Alderman be conferred upon the following former Councillors in recognition of their eminent services to the Borough Council:

- V Branson
- Mr M Davis
- Mrs A Kemp
- Mr Brian Luker
- Mr H Rogers
- J Sergison

**C 23/75      SEALING OF DOCUMENTS**

**RESOLVED:** That authority be given for the Common Seal of the Council to be affixed to any instrument to give effect to a decision of the Council incorporated into these Minutes and proceedings.

The meeting ended at 7.21 pm  
having stated at 7.15 pm

# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **COUNCIL MEETING**

### **MINUTES**

**Tuesday, 24th October, 2023**

At the meeting of the Tonbridge and Malling Borough Council held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 24th October, 2023

**Present:** His Worship the Mayor (Councillor J R S Lark), the Deputy Mayor (Councillor S M Hammond), Cllr L Athwal, Cllr B Banks, Cllr K Barton, Cllr Mrs S Bell, Cllr A G Bennison, Cllr R P Betts, Cllr T Bishop, Cllr M D Boughton, Cllr G C Bridge, Cllr C Brown, Cllr R I B Cannon, Cllr J Clokey, Cllr M A Coffin, Cllr A Cope, Cllr R W Dalton, Cllr D A S Davis, Cllr D Harman, Cllr P M Hickmott, Cllr G B Hines, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr D Keers, Cllr W J Mallard, Cllr A McDermott, Cllr A Mehmet, Cllr D W King, Cllr Mrs A S Oakley, Cllr R W G Oliver, Cllr W E Palmer, Cllr M R Rhodes, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton, Cllr M Taylor, Cllr D Thornewell, Cllr K S Tunstall and Cllr C J Williams

Apologies for absence were received from Councillors P Boxall, Mrs T Dean and B A Parry

### **PART 1 - PUBLIC**

#### **C 23/76 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct. However, for reasons of transparency Cllr Clokey advised of a potential conflict of interest in agenda item 17 (Treasury Management Update) on the grounds of his employment with a treasury management company. As this was not considered a Disclosable Pecuniary or Other Significant Interest there was no requirement for Cllr Clokey to withdraw from the meeting.

#### **C 23/77 MINUTES**

**RESOLVED:** That the Minutes of the proceedings of the meeting of the Council held on 11 July 2023 be approved as a correct record and signed by the Mayor.

#### **C 23/78 MAYOR'S ANNOUNCEMENTS**

The Mayor advised of a number of engagements attended since the last meeting of Council and made particular reference to the following civic/charity events:

- Tonbridge Lions Musical Memories Event
- Tonbridge Lions Historic Car Tour
- Vintage Motor Cycle Club's International West Kent Run at The Friars
- 5th Anniversary of Feast
- The East Malling Centre's Community Development Grant Fund Site Visit
- Ightham Mote's Garden Party
- Friends of Mill Stream Sunflower Competition
- Tonbridge in Bloom Awards
- Music @ Malling Festival Launch
- Chairman of KCC's HMS Kent Ceremonial March of the Freedom of the County of Kent
- Dedication of Shrine Markers at Rochester Cathedral
- TAMS Seniors Information Day
- Communigrow Family Workshop
- Opening of the new Centenary Homes by HRH The Princess Royal

Upcoming civic events included the Tonbridge Armistice Day and Remembrance Sunday Services on 11 and 12 November 2023 respectively

In closing, the Mayor thanked the Deputy Mayor for attending a number of events on their behalf.

**C 23/79      TM/23/00364/FL - 1A CROFT CLOSE, TONBRIDGE**

Consideration was given to the report of the Director of Planning, Housing and Environmental Health in relation to permanent planning permission for a new bungalow to the rear of 15 Estridge Way (revision to TM/20/00862/FL). This was a retrospective application seeking to regularise works already undertaken.

The application had been adjourned for determination by the full Council in accordance with Council Procedure Rule No 15.25 following consideration by the Area 1 Planning Committee on 27 July 2023.

In order to facilitate the proper consideration of the application, the Council agreed to suspend its own procedure rules and resolved itself into a committee to which rules relating to a planning committee were applied.

In reaching its decision, the Council had regard to the reports considered by the Area 1 Planning Committee on 22 June and 27 July 2023, including the report of the Director of Central Services and Monitoring Officer which contained exempt information (LGA 1972 Sch 12A Paragraph 5 – Information in respect of which a claim to legal

professional privilege could be maintained in legal proceedings). Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Council when determining the application (speakers listed below).

Local Members reiterated concerns in respect of the materials used for the roof of the building and its distinctiveness was considered a harmful feature of the character and appearance of the street scene. Cllr King proposed that the application be refused on the grounds set out below, seconded by Cllr Hood and following a formal vote it was

**RESOLVED:** That planning permission be REFUSED for the following reason:

- (1) The metal clad roof would be contextually inappropriate, out of keeping with local materials and distinctiveness and represented an alien and discordant feature in contrast to the adjacent dwellings and harmful to the character and appearance of the street scene, in conflict with policies CP24 of the Tonbridge and Malling Core Strategy and SQ1 of the Managing Development and the Environment Development Plan Document and Paragraph 130 of the National Planning Policy Framework.

[Speakers: L Hamilton, N Coomber and D Parkinson – members of the public; and S King on behalf of the applicant]

**C 23/80      QUESTIONS FROM THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 5.6**

No questions were received from members of the public pursuant to Council Procedure Rule No 5.6.

**C 23/81      QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5**

In accordance with Council Procedure Rule No. 5.5 a number of questions had been submitted by Members. Written responses had been provided by the relevant Cabinet Members and the questions and answers had been tabled and circulated in advance of the meeting as set out in the Annex attached to the Minutes.

**C 23/82      MOTION SUBMITTED UNDER COUNCIL PROCEDURE RULE NO 5.27**

Consideration was given to a Notice of Motion (23/04) pursuant to Council Procedure Rule No. 5.7 submitted by Councillor G Bridge and seconded by Councillor M Tatton on behalf of the Tonbridge and Malling Liberal Democrat Group in relation to Disability and Equalities as set out in the annex attached to the Minutes.

The Motion asked Council to:

- Recognise the difficulties some residents within and visitors to the Borough faced in accessing every-day services and facilities due to disability, additional need, and other disadvantage including financial inequality;
- Appoint a Councillor as a Disability & Equalities Champion to raise the profile and needs of those with disabilities, additional needs and inequalities within Tonbridge and Malling. The Disability & Equalities Champion to actively engage with disability and welfare groups and charities and interested individuals to ensure their voice of experience was heard and taken into account in decision making;
- If there was no existing mechanism, the Borough Council to develop a Register of disability and welfare groups and charities within the Borough and a system for consulting those groups on matters that affect them and those they represent;
- Demonstrate its commitment to further developing its understanding and approach to disability and equality needs within the Borough by inviting interested groups from the Register to give presentations and information sessions for Councillors, similar to the Tonbridge Dementia Friendly Tonbridge Community session, to support Cllrs to feel informed and equipped with respect to the challenges faced by those within our community who have disabilities, additional needs or who face inequality.

Members recognised the importance of supporting those with disabilities and experiencing inequality. However, concern was expressed about the introduction of a register that might prove too prescriptive and remove the Borough Councils flexibility around advocating for those groups not entered onto a formal register.

Councillor M Coffin proposed, seconded by Councillor M Boughton, an amendment to the Motion as follows (removal of bullet point 3 and amended bullet point 4):

- Recognise the difficulties some residents within and visitors to our Borough face in accessing every-day services and facilities due to disability, additional need, and other disadvantage including financial inequality;
- Appoint a Councillor as a Disability & Equalities Champion to raise the profile and needs of those with disabilities, additional needs and inequalities within Tonbridge and Malling. The Disability & Equalities Champion will actively engage with disability and welfare groups and charities and interested



individuals to ensure their voice of experience is heard and taken into account in decision making;

- Demonstrate its commitment to further developing its understanding and approach to disability and equality needs within the Borough by inviting interested groups through the Disability and Equalities Champion to give presentations and information sessions for Councillors, similar to the Tonbridge Dementia Friendly Tonbridge Community session, to support Cllrs to feel informed and equipped with respect to the challenges faced by those within our community who have disabilities, additional needs or who face inequality.

The aim of the proposed amendment was not to diminish the value of the original motion but to offer a practical solution that the Borough Council could deliver. The Disabilities and Equalities Champion would be encouraged to develop and create effective relationships with relevant groups.

Members signified consent to this amendment and it was

**RESOLVED:** That the Notice of Motion (as amended) proposed by Councillor M Coffin and seconded by Councillor M Boughton be approved.

## **C 23/83 LEADER'S ANNOUNCEMENTS**

The Leader's announcements focused on the key themes of innovation, transformation and delivery as set out in the recently adopted Corporate Strategy. Good progress continued to be made on these areas as evidenced by the number of successful events and activities hosted in Tonbridge and Malling, including Farmers and Artisan Markets, Food and Drink Festivals and the upcoming Christmas event and trail at Tonbridge Castle.

Support for local businesses continued with a number of grants being offered. The Leader was pleased to announce that the next round of the Shopfront Improvement Scheme would commence in 2024 and the maximum amount of grant funding had increased to £5,000.

The recent opening of Bellingham Way in New Hythe had provided traffic relief along the A20 corridor by providing a direct link between Aylesford and Larkfield. This was greatly welcomed together with the positive investment introduced in the north of the Borough with the Panattoni development.

The Borough Council had also taken measures to address unauthorised traveller encampments by installing knee rail fencing at a number of sites. This demonstrated a willingness to react to issues raised by residents and/or communities.

Reference was made to the Borough Councils commitment to climate change and the recent initiative undertaken with the Woodland Trust to create new hedgerow boundaries at Leybourne Lakes Country Park.

Following proposals from the General Purposes Committee in respect of recruitment initiatives, a recent campaign in Planning Services had been successful and a number of vacancies had been filled. In future, consideration would be given to the introduction of a 'recruitment and retention' policy aimed to support, develop and recognise staff.

Finally, the Leader reminded Members of the challenging financial situation and advised that £500,000 of savings were required by the end of the financial year. Options for increasing and generating income as well as identifying savings would be considered and Groups were invited to offer their own ideas as part of the budget setting process. A collaborative approach to setting priorities for the Borough Council would continue to be adopted.

The message continued to be that Tonbridge and Malling was a great place to live, work and invest and that the Borough Council were there to support its residents and communities.

Full Leader's announcements were available on the Borough Council [YouTube channel](#)

## **MATTERS FOR DECISION**

### **C 23/84     DISABLED FACILITIES GRANT FUNDING**

The report of the Director of Planning, Housing and Environmental Health advised that within the Borough Council's Capital Plan for 2023/24 there was no spend allocated to discretionary Disabled Facilities Grants (DFGs) and approval was sought for a virement of £150,000 from the mandatory to the discretionary DFG.

There were 5 cases currently being processed by the Borough Council where works were above the mandatory threshold and the virement would be used to support these cases. Members were advised that the works being carried out fell under the mandatory element of DFG and had been assessed as being necessary and appropriate to meet the needs of the disabled occupant, which in all 5 cases were children. It was considered reasonable and practicable to carry out the relevant works having regard to the age and condition of the dwelling.

Careful consideration was given to the legal, financial and value for money implications detailed in the report and it was noted that the £150,000 proposed funding for virement was already available in the existing mandatory DFG budget and new funding was not required. It was also noted that the mandatory DFG was funded from the Better Care Fund.

**RESOLVED:** That the virement of £150,000 from the mandatory DFG budget for the 2023/24 financial year to the discretionary DFG budget on the Capital Plan be approved.

**C 23/85      CHANGES TO THE CONSTITUTION**

Consideration was given to recommended changes to the Constitution in respect of Committee Procedure Rule 15.25 and the inclusion of the Executive/Scrutiny Protocol as an Annex.

The proposed change to Rule 15.25 (Part 4 of the Constitution) was intended to remove confusion around a 'minded-to' determination and required a vote to be taken if a Planning Committee was 'minded to determine an application in a way or on grounds which the Director does not consider can be substantiated'. Clarity had also been provided on when an application should stand adjourned to Council for determination and related to the 'risk of significant costs being awarded'. Members were advised that costs of £5,000+ would represent a significant cost. The changes were detailed in 1.1.4 of the report.

Following a meeting of Overview and Scrutiny Committee of 14 September 2023 it was recommended that the Executive/Scrutiny Protocol be published to the website as an Annex to the Constitution. This was supported by Cabinet on 3 October 2023. Council were invited to approve the inclusion of the Protocol as an Annex as detailed in 1.2.3.

**RESOLVED:** That the Monitoring Officer be authorised to amend the Constitution as set out in paragraphs 1.1.4 and 1.2.3 of the report.

**C 23/86      REVIEW OF ARRANGEMENTS FOR DEALING WITH CODE OF CONDUCT COMPLAINTS**

Consideration was given to the recommendations of the Joint Standards Committee of 12 July 2023 in respect of revisions to existing arrangements for dealing with Code of Conduct complaints. Due regard had been given to the legal implications, risk and equality impact assessments arising from the changes.

**RESOLVED:** That the revised arrangements for dealing with Code of Conduct complaints under the Localism Act 2011 (attached at Annex 1) be adopted.

**C 23/87      LOCAL CODE OF CORPORATE GOVERNANCE**

Consideration was given to the recommendations of the Audit Committee of 24 July 2023 in respect of the annual review of the Local Code of Corporate Governance. Proposed amendments to the Code were relatively minor with no significant activity having taken place since July 2022 that impacted upon corporate governance arrangements.

However, the Audit Committee had recommended that section 3.2 of the Code be reviewed to incorporate a reference to the Climate Change Action Plan for 2023/24.

**RESOLVED:** That the proposed amendments (set out at Annex 1) be approved and the Local Code of Corporate Governance be adopted; subject to further review of section 3.2 to reference the Climate Change Action Plan 2023/24.

#### **C 23/88 COUNCIL TAX DISCOUNT**

Consideration was given to the recommendations of the Cabinet of 3 October 2023 in respect of council tax discount applied to uninhabitable properties. Due regard had been given to both the financial and non-financial considerations, legal implications and risk and equality impact assessments should a change be made to the 100% discount currently offered by the Borough Council.

The position of neighbouring authorities in respect of this discount was also noted.

**RESOLVED:** That the percentage of the current period of 12 months 100% council tax discount for 'uninhabitable' properties be reduced to 0% with effect from 1 April 2024.

#### **C 23/89 AUDITOR'S ANNUAL REPORT 2022/23**

Consideration was given to the recommendations of the Cabinet of 3 October 2023 in respect of the Auditors Annual Report 2022/23. Due regard had been given to the recommendations of the Audit Committee of 25 September 2023.

The Chair of the Audit Committee recorded appreciation to Officers for their commitment and hard work which had ensured that the Borough Council was one of a few local authorities to 'close down' their accounts in a timely fashion.

**RESOLVED:** That

- (1) the Auditors Annual Report (attached at Annex 1) for 2022/23 be approved;
- (2) the key recommendations made in respect of 'performance management' and 'procurement' be noted and the management of comments endorsed;
- (3) the management of comments to the improvement recommendations be noted and endorsed; and

- (4) the Audit Committee receive a progress report on the key recommendations made in respect of 'performance management' and 'procurement' at a future meeting

#### **C 23/90 TREASURY MANAGEMENT UPDATE**

Consideration was given to the recommendations of the Cabinet of 3 October 2023 in respect of Treasury Management. Due regard had been given to the recommendations of the Audit Committees of 24 July and 25 September 2023 respectively.

**RESOLVED:** That

- (1) the action taken in respect of treasury management activity for the period April to July be endorsed;
- (2) the 2022/23 outturn position be noted;
- (3) the Audit Committee's appreciation of the work undertaken by officers in treasury management be noted; and
- (4) the existing parameters intended to limit the Borough Council's exposure to investment risks (as set out in Annex 5 of the report presented to the Audit Committee on 25 September 2023) be retained.

#### **C 23/91 FEEDBACK FROM CONSULTATION ON THE HACKNEY CARRIAGE AND PRIVATE HIRE POLICY 2023-2028**

Consideration was given to the recommendations of the Licensing and Appeals Committee of 27 September 2023 in respect of the consultation on the Hackney Carriage and Private Hire Policy 2023-28.

Due regard was given to the responses submitted, the legal implications and risk assessment. The requirement for the Borough Council to review and adopt a new Policy was also noted.

**RESOLVED:** That

- (1) the following proposed changes to the Hackney Carriage and Private Hire Policy, as set out in Annex 1, be approved:
  - payment by credit/debit card be accepted for all Hackney Carriage journeys;
  - the Disclosure and Barring Service (DBS) checks be outsourced to an external third party, where a driver does not hold an online account update service;

- the length of time for lost property to be kept be reduced from 12 months to 2 months;
  - for any Hackney Carriage driver failing to take a passenger on a journey, regardless of distance, or charging more than the fare shown on the metre when taking payment by credit/debit card, 9 penalty points and a two-week suspension be imposed on their TMBC driving licence, and subsequent offences be referred to the Licensing and Appeals Committee;
  - membership of the Chauffeurs Guild as mechanism to bypass the requirement to take the knowledge test be removed;
  - colour restriction for designated wheelchair accessible vehicles (WAV) be removed; and
  - a higher than 50 percent Manufacturer tint for back passenger windows be allowed for plate exempt vehicles undertaking Chauffeur work.
- (2) further investigation work by Officers in respect of the following areas, as identified in the proposed changes to the Hackney Carriage and Private Hire Policy, as set out in Annex 1, be undertaken and reported to a future meeting of the Committee:
- CCTV in all licensed vehicles (Hackney Carriage and Private Hire);
  - Colour restriction of a Hackney Carriage Vehicle; and
  - Drivers badge for school runs only with specially defined plate.
- (3) the revised Hackney Carriage and Private Hire Licensing Policy 2023 – 2028, attached at Annex 4, be approved with the above agreed changes detailed in Recommendation (1) incorporated.

**C 23/92      APPOINTMENTS TO OUTSIDE BODIES - TONBRIDGE UNITED CHARITY**

The Tonbridge United Charity had requested that former councillor Vivian Branson be formally endorsed as the Borough Council's outside body appointment to their organisation. This role had been held by former Councillor Branson until the local elections in May 2023 and was considered a much valued appointment by the Charity.

It was noted that there was no requirement for the appointment to be a member of the Borough Council and the Charity had emphasised the value of retaining a person with experience of their aims and role.

Members supported this appointment pending any outcomes of the ongoing scrutiny review into outside bodies.

**RESOLVED:** That Vivian Branson be appointed as the Borough Council representative to serve on Tonbridge United Charity for a further four year period up to October 2027.

### **MATTERS FOR INFORMATION**

#### **C 23/93      OVERVIEW AND SCRUTINY - ANNUAL REPORT**

The report of the Chair of the Overview and Scrutiny Committee provided a summary of the work undertaken during the past year which was welcomed and noted by Members.

#### **C 23/94      MINUTES OF CABINET AND COMMITTEES**

The Minutes of meetings of the Cabinet and Committees for the period June – October 2023, as set out in the Minute Book (Volume 3) (attached as a supplement) were received and noted.

Any recommendations to the Council from Cabinet or Committees were resolved elsewhere on the agenda.

#### **C 23/95      SEALING OF DOCUMENTS**

**RESOLVED:** That authority be given for the Common Seal of the Council to be affixed to any instrument to give effect to a decision of the Council incorporated into these Minutes and proceedings.

The meeting ended at 9.45 pm





**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**AREA 2 PLANNING COMMITTEE**

**MINUTES**

**Wednesday, 1st November, 2023**

**Present:** Cllr W E Palmer (Chair), Cllr C Brown (Vice-Chair), Cllr B Banks, Cllr R P Betts, Cllr M D Boughton, Cllr M A Coffin, Cllr S Crisp, Cllr D Harman, Cllr S A Hudson, Cllr J R S Lark, Cllr R V Roud, Cllr Mrs M Tatton and Cllr M Taylor

Apologies for absence were received from Councillors P Boxall, Mrs T Dean and K B Tanner.

**PART 1 - PUBLIC**

**AP2 23/13 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

**AP2 23/14 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 2 Planning Committee held on 9 August 2023 be approved as a correct record and signed by the Chairman.

**AP2 23/15 GLOSSARY AND SUPPLEMENTARY MATTERS**

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

**DECISIONS TAKEN UNDER DELEGATED POWERS IN  
ACCORDANCE WITH PART 3 OF THE CONSTITUTION  
(RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

**AP2 23/16 TM/23/01194/FL - NORTH DOWN, PLAXDALE GREEN ROAD,  
STANSTED, SEVENOAKS**

Extension of an outbuilding to create new accommodation.

**RESOLVED:** That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environment Health, subject to the addition of Condition 5 as follows:

5. Within 3 months of the date of this decision a scheme of landscaping between the western elevation of the outbuilding and the boundary of the site that is shared with Plaxdale Green Road has been submitted to and approved by the Local Planning Authority. The scheme of landscaping shall include details pertaining to the location, species and size of the trees or shrubs. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To provide additional screening for the proposed extension and to mitigate its impact upon the rural and open character of the Green Belt.

#### **AP2 23/17 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS**

There were no updates in respect of planning appeals, public enquiries and hearings held since the last meeting of the Planning Committee. The Chair commented that updates would be reported to future meetings.

#### **AP2 23/18 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.00 pm

## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **COMMUNITIES AND ENVIRONMENT SCRUTINY SELECT COMMITTEE**

#### **MINUTES**

**Monday, 6th November, 2023**

**Present:** Cllr S A Hudson (Chair), Cllr S Crisp, Cllr G B Hines, Cllr F A Hoskins, Cllr J R S Lark, Cllr A McDermott, Cllr Mrs A S Oakley, Cllr W E Palmer, Cllr M R Rhodes, Cllr Mrs M Tatton, Cllr K S Tunstall and Cllr D A S Davis (substitute)

**In attendance:** Councillors M A Coffin, M A J Hood and D Keers were also present pursuant to Council Procedure Rule No 15.21.

**Virtual:** Councillors M D Boughton, K B Tanner and R W Dalton participated via MS Teams in accordance with Council Procedure Rule No 15.21.

An apology for absence was received from Councillor Mrs S Bell (Vice-Chair).

#### **PART 1 - PUBLIC**

##### **CE 23/42 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute members were recorded as set out below:

- Councillor D Davis substituted for Councillor S Bell

In accordance with Council Procedure Rules 17.5 to 17.9 this councillor had the same rights as the ordinary member of the committee for whom they were substituting.

##### **CE 23/43 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

##### **CE 23/44 MINUTES**

**RESOLVED:** That the notes of the meeting of the Communities and Environment Scrutiny Select Committee held on 21 September 2023 be approved as a correct record and signed by the Chair.

## **MATTERS FOR RECOMMENDATION TO THE CABINET**

### **CE 23/45 REVIEW OF CAR PARKING FEES AND CHARGES**

Consideration was given to a set of proposals for existing on-street and off-street car parking fees and charges, as summarised in 1.1.3 of the report, for implementation from 1 April 2024, taking into account the guiding principles for the setting of fees and charges established by the Borough Council and a number of specific principles relating to the provision of a successful car parking service. Members' attention was drawn to the high level inflation since the fees and charges were last reviewed in 2021 and implemented in April 2022, impacting on the cost of providing the parking service.

The Director of Street Scene, Leisure and Technical Services brought to Members' attention a few clarifications/amendments in respect of the following points set out in the report:

- (1) 1.4.3 should read "... Income (for Haysden Country Park) after the first 6 months is above profile, with a year-end forecast of £89,000.";
- (2) 1.8.3 should read "... The (Ryarsh Lane) car park has 114 spaces and the allocation of tickets is currently limited to 142..."; and
- (3) 1.21.1 should read "It is RECOMMENDED that the Committee considers the following car parking proposals for formal public consultation in November this year, implementation from 1<sup>st</sup> April 2024, and makes recommendations to Cabinet ...".

It was proposed that, in accordance with the Local Authorities Traffic Orders (Procedure) (England & Wales) Regulations 1996, formal public consultation be undertaken on the proposed changes to the on-street and off-street charges with the outcomes to be reported to the Joint Transportation Board in respect of the on-street car parking charges and to the Cabinet in respect of the off-street car parking charges for consideration.

Particular reference was made to the set of car parking proposals considered by the Committee in September 2023, including the introduction of Sunday and Bank Holiday parking charges and extension of evening charges to 8pm, and Members noted it was proposed that formal public consultation on both the set of car parking proposals, considered by the Committee in September 2023, and the set of car parking fees and charges proposals, recommended in this report, be undertaken at the same time later in November this year, with the outcomes reported to Cabinet in the New Year.

Members had an in-depth discussion with regard to the ongoing engagement with the West Malling Chamber of Commerce in respect of

the West Malling car parks and noted that their feedbacks on the proposals were invited through the public consultation process.

In addition, a proposal for Officers to investigate the card reader facility of ticket machines was supported by the Committee, in light of the significant cost associated with cash collection from the ticket machines.

**RECOMMENDED\*:** That

- (1) the following car parking proposals be taken forward to formal public consultation in November this year and the outcomes reported to future meetings of the Joint Transportation Board and the Cabinet as appropriate, with implementation from 1 April 2024:
  - (i) the schedule of proposed charges for off-street short and long stay parking in Tonbridge as shown in Table 1 of the report, be approved;
  - (ii) the schedules of proposed Peak and Off-Peak Season Ticket charges in Tonbridge as shown in Tables 2 and 3 respectively, be approved;
  - (iii) the charges for the Tonbridge Town Centre Residents Season ticket be increased to £90 for a 3-month ticket and £360 for an annual ticket respectively as set out in 1.6.4 of the report;
  - (iv) the designated area for the Tonbridge Town Centre Residents Season ticket be extended to include residential properties in the area shown in orange in the Plan attached at Annex 1 and as detailed in 1.6.1 of the report;
  - (v) the schedules of proposed charges for long stay and short stay parking in West Malling as shown in Tables 4 and 5 respectively and as detailed in 1.8.4 of the report, be approved, including increasing the charge for Ryarsh Lane car park annual season ticket to £290;
  - (vi) the schedule of proposed charges for parking in Borough Green Western Road car park as shown in Table 6, be approved;
  - (vii) the schedule of proposed charges for Residents Permits as shown in Table 7, be approved; the charge of 6-month Residents Permits offered to non-UK registered vehicles belonging to residents be increased to £28.50, as detailed in 1.9.2 of the report;

- (viii) the schedule of proposed charges for Business and Carers Permits and Dispensations as shown in Table 8, be approved;
  - (ix) the charge of Visitor Permits be increased to £14 for a book of 10 permits, with the current offer of 10 free permits to new applicants being retained, as set out in 1.10.2 of the report;
  - (x) the schedule of proposed charges for Haysden Country Park car park as shown in Table 9, be approved; and
  - (xi) the schedule of proposed charges for on-street Pay & Display parking in Tonbridge as shown in Table 10, be approved.
- (2) investigation be undertaken in respect of the facility of card reader ticket machines and/or adding card reading facility to existing car park ticket machines, and the outcomes be reported back to a future meeting of the Committee.

**\*Recommended to Cabinet**

**CE 23/46 REVIEW OF FEES AND CHARGES - MISCELLANEOUS**

The joint report of the Director of Street Scene, Leisure and Technical Services, the Director of Planning, Housing and Environmental Health and the Director of Finance and Transformation set out the proposed fees and charges for the provision of services in respect of garden waste subscriptions, household bulky refuse and fridge/freezer collections, “missed” refuse collections, stray dog redemption fees, Tonbridge Allotments, Tonbridge Cemetery, events, billboards and banners, food certificates, contaminated land monitoring and private water supplies from 1 April 2024.

In bringing forward the charging proposals for 2024/25 consideration had been given to a range of factors, including the Borough Council’s overall financial position, market position, trading patterns, the current rate of inflation and customer feedback, apart from which a set of guiding principles for the setting of fees and charges had also been taken into account and were summarised in 1.1.2 of the report.

Particular reference was made to the Allotments in Tonbridge managed by the Tonbridge Allotments and Gardens Association on behalf of the Borough Council and it was clarified by the Director of Street Scene, Leisure and Technical Services that the Association was a non-profit organisation.

The Head of Housing and Health brought to Members' attention that the fees and charges for the provision of services in relation to pest control had been resolved separately under Cabinet Member Decision D230093MEM on 13 October 2023 due to the need to extend the contract arrangements in place.

In addition, Members noted that it was proposed not to increase the fee for 2024/25 of requests for re-visits of food businesses following food hygiene inspections as detailed in 1.11 of the report.

**RECOMMENDED\*:** That

- (1) the proposed annual garden waste subscription of £53 for the first bin and £36 for a second or third bin, as set out in 1.2.4 of the report, be approved;
- (2) the schedule of proposed charges for household bulky refuse and fridge/freezer collection service as set out in 1.3.5 and 1.3.6 of the report, be approved;
- (3) the proposed charge for "missed" refuse collection as set out in 1.4.3 of the report, be approved;
- (4) the schedule of proposed charges in respect of Stray Dog redemption service, as set out in 1.5.3 to 1.5.5 of the report, be approved;
- (5) the charging structure for Tonbridge Allotment as set out in 1.6.1 and 1.6.2 of the report, be noted;
- (6) the schedule of proposed charges for Tonbridge Cemetery as set out in Annex 1 and 1.7.2 of the report, be approved;
- (7) the schedule of proposed charges for Events on Public Open Spaces, including the hire of billboards and banners, as set out in Annex 2 and 1.8 of the report, be approved;
- (8) the proposed charge for condemned food certificates as set out in 1.9.2 of the report, be approved;
- (9) the proposed charge for exported food certificates as set out in 1.10.4 of the report, be approved;
- (10) the proposed charge for provision of services in respect of contaminated land as set out in 1.13.5 of the report, be approved;
- (11) the proposed charge for provision of services in respect of private water supplies as set out in 1.14.3 and 1.14.5 of the report, be approved; and

- (12) the above proposed scale of charges be implemented from 1 April 2024.

**\*Recommended to Cabinet**

**CE 23/47 TACKLING GRAFFITI**

(Decision Notice D230098MEM)

The report of the Director of Central Services and Deputy Chief Executive provided details of the Borough Council's work in tackling graffiti, including the current reporting mechanisms, the cleaning and removal of graffiti and work with the Community Payback scheme.

Members welcomed the report and noted that the Borough Council's current approach to tackling graffiti aimed to remove all offensive, racist and abusive graffiti from council-owned land and public property within 48 hours of it being reported, with priority being given to areas on or close to main roads, main town areas and schools. However, the Borough Council would not remove graffiti from privately owned property, railway structures or telephone boxes and instead, residents would be encouraged to report this graffiti to the police or directly to the landowners. A flowchart showing the process for reporting graffiti was attached at Annex 1. A table providing examples of a number of other Kent local authorities' approaches to tackling graffiti was provided at Annex 3.

Particular reference was made to the one-off Welcome Back Funding which was secured to remove graffiti from privately owned property during the Covid Pandemic and Members noted that this funding was no longer available.

The use of graffiti walls to address graffiti issues was discussed and a clarification was made between 'graffiti walls' and 'graffiti/street art'. Member supported a public consultation be undertaken to gather residents' views on 'graffiti walls', subject to a clear definition of 'graffiti walls' being provided in the survey.

**RECOMMENDED\*:** That

- (1) the graffiti reporting page on the website be further publicised to residents;
- (2) a Graffiti policy setting out how the Borough Council intended to tackle graffiti, be developed;



- (3) a single database to record reports of graffiti across Council Services and record when the graffiti had been removed, be developed; and
- (4) a survey to gather information of views on graffiti and 'graffiti walls' from residents, including Parish Councils, be undertaken within the borough.

**\*Decision Taken by Cabinet Member**

**MATTERS SUBMITTED FOR INFORMATION**

**CE 23/48 KEY PERFORMANCE INDICATORS**

Members received a list of Key Performance Indicators (KPIs) that were aligned to the priorities as identified in the adopted Corporate Strategy 2023-2027 and were relevant to the Committee. A baseline covering the period 2022/23 had for the most part been used, with the data for July to September 2023 representing the most up-to-date available statistics in most instances. In order to improve the effectiveness of KPI monitoring, trend analysis and targets had also been included in the KPIs provided at Appendix 1 and a number of the identified trends were highlighted in 1.1.5 of the report. The KPIs would be monitored on a quarterly-annual basis and would be made available on an ongoing basis.

With regard to benchmarking, it was noted that for those KPIs that were already being benchmarked, the benchmarking data would be added in the next cycle of reporting, and further work would be undertaken to build up benchmarking for the remaining KPIs.

**CE 23/49 WORK PROGRAMME 2023/24**

The Work Programme setting out matters to be scrutinised during 2023/24 was attached for information. Members were invited to suggest future matters by liaising with the Chair of the Committee.

**MATTERS FOR CONSIDERATION IN PRIVATE**

**CE 23/50 EXCLUSION OF PRESS AND PUBLIC**

There were no matters considered in private.

The meeting ended at 8.45 pm



# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **CABINET**

## **MINUTES**

**Wednesday, 8th November, 2023**

**Present:** Cllr M D Boughton (Chair), Cllr R P Betts, Cllr M A Coffin, Cllr D Keers, Cllr K B Tanner and Cllr M Taylor

**Virtual:** Councillors Mrs A S Oakley and W E Palmer participated via MS Teams pursuant to Access to Information Rule No 23.

### **PART 1 - PUBLIC**

#### **CB 23/98 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

#### **CB 23/99 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Cabinet held on 3 October 2023 be approved as a correct record and signed by the Chairman.

### **DECISIONS TO BE TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION**

#### **EXECUTIVE KEY DECISIONS**

#### **CB 23/100 REVIEW OF CAR PARKING FEES AND CHARGES**

(Decision Notice: D230099CAB)

Consideration was given to recommendation CE 23/45 of the Communities and Environment Scrutiny Select Committee of 6 November 2023 in respect of proposals for existing on street and off street parking fees and charges.

Due regard was given to the set of guiding principles for the setting of fees and charges, the legal, financial and value for money implications together with the views expressed by the Scrutiny Select Committee. It was also noted that the last annual review of car parking charges was in 2021 and since those charges were implemented in June 2022, the high level of inflation had impacted on the cost of providing the parking service.

**RESOLVED:** That

- (1) the proposed fees and charges for existing on street and off street parking, as set out below, be approved for formal public consultation in November 2023 and the outcomes reported to future meetings of the Joint Transportation Board and the Cabinet as appropriate, with implementation from 1 April 2024:
  - (i) the schedule of proposed charges for off-street short and long stay parking in Tonbridge as shown in Table 1 of the report, be approved;
  - (ii) the schedules of proposed Peak and Off-Peak Season Ticket charges in Tonbridge as shown in Tables 2 and 3 respectively, be approved;
  - (iii) the charges for the Tonbridge Town Centre Residents Season ticket be increased to £90 for a 3-month ticket and £360 for an annual ticket respectively as set out in 1.6.4 of the report;
  - (iv) the designated area for the Tonbridge Town Centre Residents Season ticket be extended to include residential properties in the area shown in orange in the Plan attached at Annex 1 and as detailed in 1.6.1 of the report;
  - (v) the schedules of proposed charges for long stay and short stay parking in West Malling as shown in Tables 4 and 5 respectively and as detailed in 1.8.4 of the report, be approved, including increasing the charge for Ryarsh Lane car park annual season ticket to £290;
  - (vi) the schedule of proposed charges for parking in Borough Green Western Road car park as shown in Table 6, be approved;
  - (vii) the schedule of proposed charges for Residents Permits as shown in Table 7, be approved; the charge of 6-month Residents Permits offered to non-UK registered vehicles belonging to residents be increased to £28.50, as detailed in 1.9.2 of the report;
  - (viii) the schedule of proposed charges for Business and Carers Permits and Dispensations as shown in Table 8, be approved;
  - (ix) the charge of Visitor Permits be increased to £14 for a book of 10 permits, with the current offer of 10 free permits to new applicants being retained, as set out in 1.10.2 of the report;

- (x) the schedule of proposed charges for Haysden Country Park car park as shown in Table 9, be approved; and
  - (xi) the schedule of proposed charges for on-street Pay & Display parking in Tonbridge as shown in Table 10, be approved; and
- (2) investigation be undertaken in respect of the facility of card reader ticket machines and/or adding card reading facility to existing car park ticket machines, and the outcomes be reported back to a future meeting of the Communities and Environment Scrutiny Select Committee.

### **CB 23/101 REVIEW OF FEES AND CHARGES - MISCELLANEOUS**

(Decision Notice D230100CAB)

Consideration was given to recommendation CE 23/46 of the Communities and Environmental Scrutiny Select Committee of 6 November 2023 in respect of proposed fees and charges for garden waste, household bulky refuse and fridge/freezer collections, 'missed' refuse collections, stray dog redemption fees, Tonbridge Allotments, Tonbridge Cemetery, events, billboards and banners, food certificates, contaminated land monitoring and private water supplies from 1 April 2024.

Due regard was given to the set of guiding principles for the setting of fees and charges, the legal, financial and value for money implications, together with the views expressed by the Scrutiny Select Committee. The fees and charges applied by neighbouring authorities, and averages across the County, were also given careful consideration.

#### **RESOLVED:** That

- (1) the proposed annual garden waste subscription of £53 for the first bin and £36 for a second or third bin, as set out in 1.2.4 of the report, be approved;
- (2) the schedule of proposed charges for household bulky refuse and fridge/freezer collection service as set out in 1.3.5 and 1.3.6 of the report, be approved;
- (3) the proposed charge for "missed" refuse collection as set out in 1.4.3 of the report, be approved;
- (4) the schedule of proposed charges in respect of Stray Dog redemption service, as set out in 1.5.3 to 1.5.5 of the report, be approved;

- (5) the charging structure for Tonbridge Allotment as set out in 1.6.1 and 1.6.2 of the report, be noted;
- (6) the schedule of proposed charges for Tonbridge Cemetery as set out in Annex 1 and 1.7.2 of the report, be approved;
- (7) the schedule of proposed charges for Events on Public Open Spaces, including the hire of billboards and banners, as set out in Annex 2 and 1.8 of the report, be approved;
- (8) the proposed charge for condemned food certificates as set out in 1.9.2 of the report, be approved;
- (9) the proposed charge for exported food certificates as set out in 1.10.4 of the report, be approved;
- (10) the proposed charge for provision of services in respect of contaminated land as set out in 1.13.5 of the report, be approved;
- (11) the proposed charge for provision of services in respect of private water supplies as set out in 1.14.3 and 1.14.5 of the report, be approved; and
- (12) the above proposed scale of charges be implemented from 1 April 2024.

### **MATTERS SUBMITTED FOR INFORMATION**

#### **CB 23/102 DECISIONS TAKEN BY CABINET MEMBERS**

Details of the Decisions taken in accordance with the rules for the making of decisions by executive members, as set out in Part 4 of the Constitution, were presented for information.

#### **CB 23/103 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 7.40 pm

**TONBRIDGE AND MALLING BOROUGH COUNCIL**  
**FINANCE, REGENERATION AND PROPERTY SCRUTINY SELECT**  
**COMMITTEE**

**MINUTES**

**Tuesday, 14th November, 2023**

**Present:** Cllr D Harman (Chair), Cllr C Brown (Vice-Chair), Cllr L Athwal, Cllr P Boxall, Cllr R I B Cannon, Cllr Mrs T Dean, Cllr W J Mallard, Cllr A Mehmet, Cllr W E Palmer, Cllr B A Parry, Cllr M R Rhodes, Cllr J Clokey (substitute) and Cllr J R S Lark (substitute)

**In attendance:** Councillors A G Bennison, R P Betts, G C Bridge, P M Hickmott, M A J Hood, F A Hoskins and D Keers were also present pursuant to Council Procedure Rule No 15.21.

**Virtual:** Councillors Mrs S Bell, M D Boughton, M A Coffin, S Crisp, R W Dalton, D A S Davis, D W King, Mrs A S Oakley and K B Tanner participated via MS Teams in accordance with Council Procedure Rule 15.21.

Apologies for absence were received from Councillors T Bishop and C J Williams.

**PART 1 - PUBLIC**

**FRP 23/24 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute members were recorded as set out below:

- Councillor J Lark substituted for Councillor C Williams
- Councillor J Clokey substituted for Councillor T Bishop

In accordance with Council Procedure Rules 17.5 to 17.9 these Councillors had the same rights as the ordinary member of the committee for whom they were substituting.

**FRP 23/25 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

**FRP 23/26 MINUTES**

**RESOLVED:** That the notes of the meeting of the Finance, Regeneration and Property Scrutiny Select Committee held on 25 July 2023 be approved as a correct record and signed by the Chair.

## **MATTERS FOR RECOMMENDATION TO THE CABINET**

### **FRP 23/27 FUTURE OF THE ANGEL CENTRE, TONBRIDGE**

Members' in-principle views were sought on the future of the existing Angel Centre building as part of the Borough Council's work to review its land and property assets in Tonbridge town centre.

Members recognised that, due to age, design and the changing nature of leisure provision, the Angel Centre had reached the point of requiring substantial investment in both plant and equipment and building fabric to remain fit for purpose in the long term. In addition, significant further investment would be required to reduce the carbon footprint of the building to achieve the Council's carbon neutral aspirations for its leisure facilities. From a cost saving perspective, actions needed to take place as soon as possible in view of the huge ongoing maintenance expenses.

It was emphasised by the Cabinet Member for Climate Change, Regeneration and Property that it was only a preference on the in-principle option that was sought from Members at this stage, which information would then be incorporated into the option appraisals to be developed by the consultant company MACE as part of their Phase 2 report, to be presented to the Committee for consideration at a future meeting.

Having regard to the operational, building fabric and climate change considerations, as well as views expressed by the Leisure Trust and the financial implications, Members noted the pros and cons of both refurbishment and new facility options respectively and took into account the legal implications set out in Annex 1.

**RECOMMENDED\*:** That

- (1) in principle, all options be kept on the table for the future of the leisure centre, including demolishing and rebuilding it elsewhere.

**\*Recommended to Cabinet**

### **FRP 23/28 REVIEW OF FEES AND CHARGES 2024/25**

The joint report of the Director of Central Services and the Director of Finance and Transformation set out the proposed fees and charges for the provision of services in respect of legal fees, photocopying, Street Naming and Numbering, local land charges searches and enquiries, Tonbridge Castle and recovering unpaid Council Tax debts from 1 April 2024.

In bringing forward the charging proposals for 2024/25 consideration had been given to a range of factors, including the Borough Council's overall



financial position, market position, trading patterns, the current rate of inflation and customer feedback, apart from which a set of guiding principles for the setting of fees and charges had also been taken into account and were summarised in 1.1.2 of the report.

A point of clarification/amendment was made in respect of 1.2.4 of the report, which should read "... In respect of the fees set out at 1.2.1 above, the Supreme Court guideline hourly rates may change from time to time, so it is therefore **RECOMMENDED** that the level of legal fees charged by the Council is in accordance with the applicable rates set out in the Supreme Court guidelines...".

Moreover, additional information was sought on the number of wedding ceremonies held in the Castle Chamber in the current financial year in order to ascertain whether there was any impact on the business by the fee increase from 2022/23 to 2023/24, although Members were reminded that there would normally be a lag in the data due to the advanced booking nature of wedding ceremonies.

**RECOMMENDED\*:** That

- (1) the proposed charges for legal costs, as set out in 1.2 of the report, be adopted with effect from 1 April 2024;
- (2) the current photocopying charges of £0.10 (inclusive of VAT) for each page of the same document or additional copies of the same page plus postage as appropriate, as set out in 1.3.4 of the report, be retained;
- (3) the proposed fee schedules for Street Naming and Numbering, as set out in 1.4 of the report, be adopted with effect from 1 April 2024, subject to clarification of the percentage of the proposed fee increase as indicated in 1.4.4 of the report;
- (4) the proposed scale of fees for local land charges searches and enquiries, as set out in Annex 1 and 1.5 of the report, be adopted with effect from 1 April 2024;
- (5) the proposed fees and charges for 2024/25 related to Tonbridge Castle, as set out in 1.6 of the report, be adopted with effect from 1 April 2024; and
- (6) the amount of costs charged in 2024/25 to recover unpaid Council Tax debts be increased from £100 to £110, as set out in 1.7 of the report, with effect from 1 April 2024.

**\*Recommended to Cabinet**

## **FRP 23/29 ECONOMIC DEVELOPMENT STRATEGY 2023 - 2027**

The report of the Chief Executive set out the proposed changes to the draft Economic Development Strategy 2023-2027 in light of the feedback received during the consultation exercise which was undertaken between 15 September and 13 October 2023.

Key amendments were summarised in 1.3.2 of the report and a revised draft of the Economic Development Strategy 2023-2027 was provided at Annex 1. Members' approval was sought on the adoption of the Strategy as amended.

Members welcomed the introduction of the revised Strategy and were advised that updates on progress of delivering the initiatives would be reported on a 6-monthly basis in the future.

**RECOMMENDED\*:** That

- (1) the report be noted; and
- (2) the revised Economic Development Strategy 2023-2027, as set out in Appendix 1, be approved, subject to the definition of the 'Markets' as in 'Programme of Town Centre Events and Markets' under the theme of 'Vibrant Town Centres' being added to the Action Plan to clarify its coverage of farmers' markets.

**\*Recommended to Cabinet**

## **MATTERS SUBMITTED FOR INFORMATION**

### **FRP 23/30 KEY PERFORMANCE INDICATORS**

Members received a list of Key Performance Indicators (KPIs) that were aligned to the priorities as identified in the adopted Corporate Strategy 2023-2027 and were relevant to the Committee. A baseline covering the period 2022/23 had for the most part been used, with the data for July to September 2023 representing the most up-to-date available statistics in most instances. In order to improve the effectiveness of KPI monitoring, trend analysis and targets had also been included in the KPIs provided at Appendix 1 and a number of the identified trends were highlighted in 1.1.5 of the report. The KPIs would be monitored on a quarterly-annual basis and would be made available on an ongoing basis.

With regard to benchmarking, it was noted that for those KPIs that were already being benchmarked, the benchmarking data would be added in the next cycle of reporting, and further work would be undertaken to build up benchmarking for the remaining KPIs.

## **FRP 23/31 WORK PROGRAMME 2023/24**

The Work Programme setting out matters to be scrutinised during 2023/24 was attached for information. Members were invited to suggest future matters by liaising with the Chair of the Committee.

## **MATTERS FOR CONSIDERATION IN PRIVATE**

### **FRP 23/32 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

**RESOLVED:** That as public discussion would disclose exempt information, the following matters be considered in private.

## **PART 2 - PRIVATE**

## **MATTERS SUBMITTED FOR INFORMATION**

### **FRP 23/33 FUTURE OF THE ANGEL CENTRE, TONBRIDGE - ANNEX 1**

**(Reason: LGA 1972, Sch 12A, Paragraph 3 – Financial or business affairs of any particular person)**

Members had regard to Annex 1 – Legal Implications, set out in Part 2 of the agenda, during consideration of the Future of the Angel Centre, Tonbridge (Minute FRP 23/27 refers).

**RESOLVED:** That the report be received and noted.

The meeting ended at 9.16 pm



## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **OVERVIEW AND SCRUTINY COMMITTEE**

#### **MINUTES**

**Thursday, 16th November, 2023**

**Present:** Cllr Mrs A S Oakley (Chair), Cllr R I B Cannon (Vice-Chair), Cllr M A J Hood (Vice-Chair), Cllr T Bishop, Cllr A Cope, Cllr R W Dalton, Cllr D A S Davis, Cllr D Harman, Cllr P M Hickmott, Cllr F A Hoskins, Cllr S A Hudson, Cllr D W King, Cllr J R S Lark, Cllr W E Palmer, Cllr D Thornewell, Cllr K Barton (substitute) and Cllr K S Tunstall (substitute).

**In attendance:** Councillor M Taylor, Mrs S Bell\*, R P Betts\*, M A Coffin\*, M R Rhodes\*, R V Roud\* and K B Tanner\* were also present pursuant to Council Procedure Rule No 15.21.

\*participated via MS Teams

Apologies for absence were received from Councillors C Brown and G B Hines

#### **PART 1 - PUBLIC**

##### **OS 23/49 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute members were recorded as set out below:

- Councillor Barton for Councillor Hines
- Councillor Tunstall for Councillor Brown

In accordance with Council Procedure Rules 17.5 to 17.9 these Councillors had the same rights as the ordinary member of the committee for whom they were substituting.

##### **OS 23/50 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

##### **OS 23/51 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Overview and Scrutiny Committee held on 14 September 2023 be approved as a correct record and signed by the Chair.

**OS 23/52 PRESENTATION: INTERNAL DRAINAGE BOARDS**

Representatives of the Lower and Upper Medway Internal Drainage Boards provided a comprehensive explanation of the organisations role as public bodies managing water levels and ditch maintenance within the Borough. Funding arrangements under Section 36 of the Land Drainage Act 1991 were also explained.

There was in-depth discussion on a range of issues including the Drainage Boards Nature Recovery Strategy and how they could support environmental objectives within the Borough; how to encourage a co-ordinated approach from the Environment Agency, Kent County Council and other agencies to ensure water courses remained clear; how to improve communication between key partners and the type of work undertaken by the Boards.

Maintenance plans outlining progress against set objectives were available on Drainage Boards website. However, Members were assured that as much as possible was being done with the resource and funds available.

The Committee also heard from the Borough Council appointees to the Lower and Upper Medway Internal Drainage Boards, Cllr D Davis, Cllr D King and former councillors Mr O Baldock and Mr M Davis who all felt that their representation was an important and interesting function. They also offered to take any Member questions to the Boards for a detailed response. However, any site specific issues should be raised with the Boards independently.

**MATTERS FOR RECOMMENDATION TO THE CABINET****OS 23/53 REVIEW OF OUTSIDE BODIES**

The report of the Chief Executive provided an update on the recent review of appointments to outside bodies. A short survey had been distributed to external organisations and whilst there was a relatively low response rate, those that did respond felt that the Borough Council appointments were beneficial.

A summary of the perceived benefits of local authority representation was provided at 1.1.3 of the report. As the external organisations all operated very differently, with varied requirements from their nominated representative, it was difficult to draw any fixed conclusions from the responses received. However, there was consensus that the perceived benefits were being achieved although it was apparent that there was a lack of consistent reporting back to the Borough Council.

Members recognised the impracticability of inviting all outside bodies to address the Overview and Scrutiny Committee to explain the role of their organisations. It was, therefore, recommended that the list of annual

appointments to outside bodies be distributed between the Overview and Scrutiny Committee and the 3 Scrutiny Select Committees. Each Committee could then decide on the best way to gain feedback from the organisations. The Scrutiny Officer was asked to reconsider the distribution of the outside bodies organisations between the Committees with particular reference made to the Leisure Trust which might fit better with the Overview and Scrutiny Committee.

There was detailed discussion on the role of outside bodies and the Chair invited Mr M Davis and Mr O Baldock to share their views as Borough Council appointees, who felt these appointments provided an opportunity to see how the funding offered by the Borough Council was being used; provided an opportunity for useful and valuable feedback and the use of former Councillors meant that experience wasn't lost. Reference was also made to the issues around conflicts of interest in respect of some appointments which meant that serving Members had to leave a debate in which they could have made a valuable contribution. The Committee asked that options around best practice on this issue be explored.

On the grounds of allowing Group Leaders sufficient time to identify and nominate suitable candidates, especially in an election year, Councillor Hood proposed, seconded by Councillor Cope that nominations for appointments to outside bodies should be considered at the second meeting of Full Council in a municipal year rather than Annual Council. Whilst this proposal was supported in principle, it was explained that Council Procedure Rule 1.2 (i) would need to be revised and this would be considered further by Cabinet and the Monitoring Officer.

**RECOMMENDED\*:** That

- (1) the approach of distributing the annual appointments to outside bodies list between the Overview and Scrutiny Committee and the 3 Scrutiny Select Committees, as set out in 1.2.3 of the report, be endorsed by Cabinet;
- (2) each Scrutiny Committee be invited to consider how to receive feedback from the outside bodies assigned to them; and
- (3) subject to revising CPR 1.2 (i) in Part 4 of the Constitution and the views of Cabinet and the Monitoring Officer, nominations for appointments to outside bodies should be considered at the second meeting of Full Council in a municipal year.

**\*Recommended to Cabinet**

**MATTERS FOR INFORMATION****OS 23/54 KEY PERFORMANCE INDICATORS**

Members received a list of Key Performance Indicators (KPIs) that had been adopted by the Borough Council to measure progress on its priorities, as set out in the Corporate Strategy 2023-2027. In order to improve effectiveness, trend analysis and targets were also included. Data on KPIs relating to the period up to the of September 2023 was provided.

It was noted that there had been no questions or queries raised in advance of the meeting.

**OS 23/55 RECORD OF DECISIONS TAKEN BY THE EXECUTIVE**

The decisions taken by the Cabinet and Cabinet Members during October and November were presented for information and noted by the Committee.

**OS 23/56 NOTICE OF FORTHCOMING KEY DECISIONS**

The Notice advised of key decisions anticipated to be taken during January and February 2024. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 at least 28 days before a key decision was expected to be taken, a Notice of Forthcoming Key Decisions should be published.

It was noted that currently the Notice was a draft and might be subject to change in advance of the publication date if decisions were added or removed. If there were any issues that the Committee wished to scrutinise they were invited to raise these with the Chair.

**OS 23/57 WORK PROGRAMME**

The Work Programme setting out potential matters to be scrutinised during 2023/24 was noted. Members were invited to suggest future items by liaising with the Chair of the Committee.

**MATTERS FOR CONSIDERATION IN PRIVATE****OS 23/58 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.05 pm



**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS COMMITTEE**

**MINUTES**

**Wednesday, 29th November, 2023**

**Present:** Cllr C Brown (Chair), Cllr C J Williams (Vice-Chair), Cllr M A Coffin, Cllr D Keers, Cllr R W G Oliver, Cllr R V Roud and Cllr K S Tunstall

**Virtual:** Councillors M D Boughton and Mrs A S Oakley participated via MS Teams in accordance with Council Procedure Rule 15.21.

Apologies for absence were received from Councillors B Banks, A Cope, W J Mallard, M Taylor and D Thornevell.

**PART 1 - PUBLIC**

**LA 23/21    DECLARATIONS OF INTEREST**

There were no declarations of interest in accordance with the Code of Conduct.

**LA 23/22    MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Licensing and Appeals Committee held on 27 September 2023 be approved as a correct record and signed by the Chairman.

**LA 23/23    MINUTES OF PANEL**

**RESOLVED:** That the Minutes of the meeting of the Licensing and Appeals Committee sitting as a Panel held on 20 October 2023 be received and noted.

**DECISIONS TAKEN UNDER DELEGATED POWERS**

**LA 23/24    REVIEW OF FEES AND CHARGES 2024/25 - LICENSING FEES**

Following a review of the existing fee structure, the report of the Director of Central Services and Deputy Chief Executive set out details of the proposed licensing fees and charges for 2024/25 in respect of Hackney Carriage and Private Hire Driver Licences and Vehicle Licences, Administration Fees, Scrap Metal Dealers, Street Trading Consents, Film Classification, Sex Establishments, Boating Licences, Events Pre-Application Advice, Hypnotism Licence, Animal Welfare, Gambling and the licensing of premises and practitioners providing Acupuncture, Electrolysis and Ear Piercing, Cosmetic Piercing, Tattooing and Semi-permanent make up.

Members raised concern over the Type 1 licensing fees set by statute for which the Borough Council had no power to amend, with particular reference made to the statutory fees set under Licensing Act 2003 that had not been increased since 2005.

**RESOLVED:** That

- (1) the proposed scale of fees for licences, consents and registrations, as set out at Annex 1 to the report, be adopted with effect from the 1 April 2024, subject to the proposed fees and charges for pre-application advice in respect of larger events up to and above 1000 capacity, including cost of specialist officers and site visits, being amended to £500 for an initial meeting with normal hourly rates applying afterwards depending on officers' time required, hourly rate to be advised by the officers at the initial meeting; and
- (2) the Cabinet Member for Community Services, in liaison with the Head of Licensing, Community Safety and Customer Service, write to the Central Government to seek an explanation as to why the statutory fees set under Licensing Act 2003 had not been reviewed/adjusted since the Regulations came into force in 2005.

**LA 23/25 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.07 pm

# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **CABINET**

## **MINUTES**

**Tuesday, 5th December, 2023**

**Present:** Cllr M D Boughton (Chair), Cllr R P Betts, Cllr M A Coffin, Cllr D Keers, Cllr K B Tanner and Cllr M Taylor

M A J Hood, Mrs A S Oakley, R W G Oliver, B A Parry and M R Rhodes were also present pursuant to Access to Information Rule No 23.

Apologies for absence were received from Councillors

### **PART 1 - PUBLIC**

#### **CB 23/104 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

### **MATTERS FOR RECOMMENDATION TO THE COUNCIL**

#### **CB 23/105 MEDIUM TERM FINANCIAL STRATEGY AND SAVINGS UPDATE**

The report provided an update on the Medium Term Financial Strategy (MTFS) and set out the savings identified that would assist in meeting 'tranche 1' of the latest savings targets. Proposals for the allocation of the one-off windfall sum, highlighted in the 'Financial Planning and Control 2023/24' report to Cabinet in October were also set out.

As the budget cycle for 2024/25 was in progress, the financial issues impacting on the MTFS were highlighted and included uncertainty around the level of inflation, the local government financial settlement, the Fair Funding Review and the future of New Homes Bonus as well as many other factors. Whilst uncertainty regarding future settlements and economic factors did not help with financial planning, it was possible that the Borough Council could benefit from a later Fair Funding Review and Business Rates reset. Current calculations, based on best information to date and savings identified and incorporated into Estimates (as detailed in 1.5.1), the funding gap was now in the region of £1.78m.

Particular reference was made to the savings target and it was reported that it was unlikely that Tranche 1 would be fully met by the time the Budget was set in February 2024. Given the change in administration and make-up of the Borough Council since the local elections in May 2023, it was proposed by Councillor Tanner and seconded by the

Leader that the Tranche 1 target be divided into 2 parts, with the Tranche 1a target being set at £195k and Tranche 1b at £305k. This was supported by Cabinet on the grounds that provided that the full tranche was met by the time the budget was set for 2025/26 there would be a limited effect on the overall MTFS. It was felt appropriate that the Finance, Regeneration and Property Scrutiny Select Committee give consideration to potential savings for Tranche 2 onwards and how these could be implemented.

To ensure the continued financial sustainability of the Borough Council, urgent and concerted effort was necessary in identifying significant savings targets for tranches 2 onwards.

Finally, reference was made to the 'one-off' windfall of almost £2m received from HMRC in respect of the treatment of sports and leisure activities. A number of proposals for the use of this 'windfall' were detailed in 1.6.3.

**RECOMMENDED\*:** That

- (1) the latest forecast of the Medium Term Financial Strategy and the funding gap, now estimated to be £1.78m after incorporating £120k of savings into Draft Estimates, for 2024/25 (as detailed in 1.5.1) be noted;
- (2) the progress with the Savings and Transformation contributions for Tranche 1, as set out in 1.5.1 be noted;
- (3) the Tranche 1 savings target be divided into two parts, with a target saving of £195k in Tranche 1a and £305k in Tranche 1b;
- (4) the Finance, Regeneration and Property Scrutiny Select Committee give consideration to potential savings for Tranche 2 onwards and how these could be implemented; and
- (5) the proposals set out in 1.6.3 in respect of the windfall sum be commended to Council for approval.

**\*Recommended to Council**

**CB 23/106 COUNCIL TAX PREMIUM CHANGES FOR EMPTY AND SECOND HOMES**

Following the recent Royal Assent of the Levelling Up and Regeneration Bill, consideration was given to proposals to introduce a Council Tax premium for second homes from 2025/26 onwards and to amend Council Tax empty home premiums from 2024/25 onwards.

The previous recommendation of Cabinet to Council (CB 23/3) in respect of these proposals had been deferred pending enactment of the

Bill. Whilst the criteria for both empty homes and second homes premium charges remained unchanged the effective date for implementation of the latter had changed due to the delay in the Bill being enacted.

Due regard was given to the financial and value for money considerations, the legal implications and the summary of perceived risks set out in the report. In addition, it was recognised that these premiums could strengthen the incentive of owners of empty properties to bring them back into use and might encourage the sale or even private rental of properties in support of the Borough Council's priorities in respect of housing options.

**RECOMMENDED\*:** That

- (1) the amendments to Council Tax empty home premiums from 2024/25 financial year onwards, as set out in 1.3.1 be adopted; and
- (2) a Council Tax premium to second homes from 2025/26 financial year onwards, as set out 1.4.3, be introduced.

**\*Recommended to Council**

**DECISIONS TO BE TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION**

**EXECUTIVE NON-KEY DECISIONS**

**CB 23/107 FUTURE OF THE ANGEL CENTRE, TONBRIDGE**

(Decision Notice: D230106CAB)

Consideration was given to recommendation FRP 23/27 of the Finance, Regeneration and Property Scrutiny Select Committee in respect of the future of the existing Angel Centre building.

Due regard was given to the operational, building fabric and climate change considerations, together with the views expressed by the Leisure Trust and the Scrutiny Select Committee. The financial implications and advantages and disadvantages of both refurbishment and new facility options were also taken into account.

Members recognised that, due to the age, design and changing nature of leisure provision, the Angel Centre was no longer fit for purpose without significant investment in both plant and equipment. In addition, substantial investment would be required to reduce the carbon footprint of the building to achieve the Borough Council's carbon neutral aspirations for its leisure facilities. At this stage, any decision was 'in-

principle' only to allow phase 2 of the Tonbridge Town Centre asset review work to progress.

On the grounds of providing clarity regarding the Borough Council's review of its assets in Tonbridge, supporting climate change and ensuring that leisure facilities in the town were fit for purpose and represented value for money, the Leader proposed that the Angel Centre be demolished and replacement leisure facilities be provided; and in-principle, all options be kept on the table for the future location of the replacement leisure facilities within Tonbridge and the nature of such replacement facilities. This was seconded by Councillor Betts and supported unanimously.

**RESOLVED:** That the Angel Centre be demolished and replacement leisure facilities be provided in Tonbridge and, in principle, all options be kept on the table for the future location and nature of such replacement leisure facilities within Tonbridge.

### **MATTERS SUBMITTED FOR INFORMATION**

#### **CB 23/108 DECISIONS TAKEN BY CABINET MEMBERS**

Details of the Decisions taken in accordance with the rules for the making of decisions by executive members, as set out in Part 4 of the Constitution, were presented for information.

#### **CB 23/109 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

### **MATTERS FOR INFORMATION**

#### **CB 23/110 FUTURE OF THE ANGEL CENTRE, TONBRIDGE - ANNEX 1**

**(Reason: LGA 1972, Sch 12A, Paragraph 3 – Financial or business affairs of any particular person)**

Members had regard to Annex 1 – Legal Implications, set out in Part 2 of the agenda, during consideration of the Future of the Angel Centre, Tonbridge (Minute CB 23/107 refers).

**RESOLVED:** That the report be received and noted.

The meeting ended at 8.23 pm

# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **AREA 2 PLANNING COMMITTEE**

### **MINUTES**

**Wednesday, 6th December, 2023**

**Present:** Cllr W E Palmer (Chair), Cllr B Banks, Cllr R P Betts, Cllr M D Boughton, Cllr M A Coffin, Cllr Mrs T Dean, Cllr D Harman, Cllr S A Hudson, Cllr J R S Lark, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton and Cllr M Taylor

Apologies for absence were received from Councillors C Brown, P Boxall and S Crisp.

### **PART 1 - PUBLIC**

#### **AP2 23/19 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct. However, for reasons of transparency Councillor T Dean advised of a potential conflict of interest in application TM/23/01006/FL (The Scared Crow, 79 Offham Road, West Malling) on the grounds that she lived 150 yards away from the site and decided that she would abstain from determining the matter. She remained in the meeting to hear the debate but did not participate in the discussion or vote on the application.

#### **AP2 23/20 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 2 Planning Committee held on 1 November 2023 be approved as a correct record and signed by the Chairman.

#### **AP2 23/21 GLOSSARY AND SUPPLEMENTARY MATTERS**

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

**DECISIONS TAKEN UNDER DELEGATED POWERS IN  
ACCORDANCE WITH PART 3 OF THE CONSTITUTION  
(RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

**AP2 23/22 TM/23/00550/FL - 1 BOURNE VALE, PLAXTOL, SEVENOAKS**

Demolition of existing single storey double garage and erection of new detached 2 storey dwelling with rooms in roof and associated external works.

**RESOLVED:** That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

[Speakers: Councillor Mike Brewin (on behalf of Plaxtol Parish Council), Mr Marius Carboni, Mr Adam Stocker, Ms Angela Stocker, Mr Jonathon Tanner and Ms Christie Verrechia (members of the public) and Mr Rob Colley (on behalf of the applicant)]

**AP2 23/23 TM/23/01006/FL - THE SCARED CROW, 79 OFFHAM ROAD, WEST MALLING**

Change of use of existing pub to form 2 x 3 bed dwellings including erection of a first floor South West rear extension, two storey South East rear extension and associated alterations.

**RESOLVED:** That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environment Health, subject to:

(1) Amended Condition 3:

No above ground development, excluding demolition works, shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority. Notwithstanding the details shown on the proposed block plan, this shall include boundary enclosures. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.



(2) Additional Informative 6:

Members strongly encourage the applicant to retain the painted mural/sign to the front of the building as reference to the history of the building.

[Speaker: Ms Jessica Hampson (on behalf of the applicant)]

**AP2 23/24 TM/21/00881/OA - MOD LAND SOUTH OF DISCOVERY DRIVE, KINGS HILL, WEST MALLING**

The Committee were advised that this item had been WITHDRAWN from the agenda.

**AP2 23/25 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS**

There were no updates in respect of planning appeals, public enquiries and hearings held since the last meeting of the Planning Committee.

**AP2 23/26 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.02 pm



# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **COUNCIL MEETING**

### **MINUTES**

**Tuesday, 12th December, 2023**

At the extraordinary meeting of the Tonbridge and Malling Borough Council held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 12<sup>th</sup> December, 2023

**Present:** His Worship the Mayor (Councillor J R S Lark), the Deputy Mayor (Councillor S M Hammond), Cllr L Athwal, Cllr B Banks, Cllr K Barton, Cllr Mrs S Bell, Cllr A G Bennison, Cllr R P Betts, Cllr T Bishop, Cllr M D Boughton, Cllr G C Bridge, Cllr C Brown, Cllr R I B Cannon, Cllr J Clokey, Cllr M A Coffin, Cllr S Crisp, Cllr R W Dalton, Cllr D A S Davis, Cllr D Harman, Cllr P M Hickmott, Cllr G B Hines, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr D Keers, Cllr A McDermott, Cllr A Mehmet, Cllr D W King, Cllr Mrs A S Oakley, Cllr W E Palmer, Cllr B A Parry, Cllr M R Rhodes, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton, Cllr M Taylor, Cllr K S Tunstall and Cllr C J Williams

Apologies for absence were received from Councillors P Boxall, A Cope, Mrs T Dean, W J Mallard, R W G Oliver and D Thornevell.

### **PART 1 - PUBLIC**

#### **C 23/96      DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

### **MATTERS FOR CONSIDERATION IN PRIVATE**

#### **C 23/97      EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

**RESOLVED:** That as public discussion would disclose exempt information, the following matters be considered in private.

**PART 2 - PRIVATE****MATTERS FOR DECISION****C 23/98 RETIREMENT OF THE CHIEF EXECUTIVE**

(Reasons: LGA 1972 – Sch 12A Paragraph 1 – Information relating to an individual)

The Mayor proposed suspension of Council Procedure Rules 6.4 and 6.5 related to content and length of speeches and when a Member could speak again respectively to enable Borough Councillors' appreciation to the retiring Chief Executive to be recorded. This proposal was supported by the Council.

The report of the Leader set out the proposed arrangements for the interim and permanent appointment to the vacancy created by the retirement of the Chief Executive for consideration by Members.

In response to concerns raised over the composition of the panel of Members appointed to recommend to Council the permanent appointment to the post of the Chief Executive, the Leader explained that there would be opportunities to engage wider group of Members at different stages through the appointment process.

All group leaders paid tribute to the Chief Executive and expressed their appreciations on behalf of the Council and their respective groups for the Chief Executive's nearly 40 years of outstanding service to the borough and the residents.

In closing, the Mayor wished the Chief Executive all the best in her retirement.

**RESOLVED:** That

- (1) Adrian Stanfield, Director of Central Services and Deputy Chief Executive, be appointed as Interim Chief Executive from 13 December 2023 to 14 May 2024/Annual meeting of Full Council;
- (2) Sharon Shelton, Director of Finance & Transformation, be appointed as Interim Deputy Chief Executive in addition to their substantive post from 13 December 2023 to 14 May 2024/Annual meeting of Full Council;
- (3) Joy Ukadike, Head of Legal & Democratic Services, be appointed as Interim Monitoring Officer in addition to their substantive post from 13 December 2023 to 14 May 2024/Annual meeting of Full Council;

- (4) Adrian Stanfield be appointed to the separate roles of Returning Officer and Electoral Registration Officer with effect from 13 December 2023; and
- (5) a panel of Members, composed of Councillors M Boughton, M Coffin and A Oakley, be appointed to recommend to Council the permanent appointment to the post of Chief Executive.

**C 23/99     SEALING OF DOCUMENTS**

**RESOLVED:** That authority be given for the Common Seal of the Council to be affixed to any instrument to give effect to a decision of the Council incorporated into these Minutes and proceedings.

The meeting ended at 8.50 pm



**TONBRIDGE AND MALLING BOROUGH COUNCIL**  
**HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE**

**MINUTES**

**Thursday, 14th December, 2023**

**Present:** Cllr D A S Davis (Chair), Cllr D W King (Vice-Chair), Cllr L Athwal, Cllr Mrs S Bell, Cllr G C Bridge, Cllr R W Dalton, Cllr D Harman, Cllr P M Hickmott, Cllr M A J Hood, Cllr A Mehmet, Cllr W E Palmer, Cllr R V Roud and Cllr D Thornewell

**In attendance:** Councillors F A Hoskins and K B Tanner were also present pursuant to Council Procedure Rule No 15.21.

**Virtual:** Councillors D Keers, Mrs A S Oakley, M R Rhodes and M Taylor participated via MS Teams in accordance with Council Procedure Rule 15.21.

**PART 1 - PUBLIC**

**HP 23/33 NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no substitute Members nominated for this meeting.

**HP 23/34 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

**HP 23/35 MINUTES**

**RESOLVED:** That the notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 26 September 2023 be approved as a correct record and signed by the Chair.

**MATTERS FOR RECOMMENDATION TO THE CABINET**

**HP 23/36 REVIEW OF THE PLANNING PERFORMANCE AGREEMENT PROTOCOL AND FEE CHARGING SCHEDULE 2024/25**

The report of the Director of Planning, Housing and Environmental Health set out the proposed amendment to the Planning Performance Agreement (PPA) Protocol following a review of the existing Protocol, including the introduction of an Inception Meeting. A revised Planning Performance Agreement Protocol was attached at Annex 1 and a copy of the Inception Meeting template was provided at Annex 2. Furthermore, a revised Planning Performance Agreement Charging

Schedule for 2024/25 was proposed for consideration by Members as set out in Annex 3.

Members noted that the PPA fees were set on a cost recovery only basis, however, the current fee schedule associated with PPAs did not recover the full costs of the service. Therefore, a revised fee schedule was proposed taking into review the Borough Council's hourly charging rates and the best estimate of timescales to cover all aspects of the PPA service. Furthermore, a baseline review had been undertaken across the Kent authorities to review charging schedules for those authorities. Nonetheless, it was recognised that not all development sizes were suitable to progress through a PPA.

**RECOMMENDED\*:** That with effect from 1 April 2024

- (1) the amendment and the publication of the Planning Performance Agreement Protocol, attached at Annex 1, be approved;
- (2) the Inception Meeting template, attached at Annex 2, be adopted; and
- (3) the updated Planning Performance Agreement Charging Schedule for 2024/25, as attached at Annex 3 and set out in 1.3.13 of the report, be adopted.

**\*Recommended to Cabinet**

**HP 23/37 REVIEW OF FEES AND CHARGES 2024/25 FOR PRE-APPLICATION ADVICE SERVICE, BUILDING CONTROL FEES AND FOR HIGH HEDGES AND S106 MONITORING FEES**

The report of the Director of Planning, Housing and Environmental Health proposed a revised set of Pre-application Charging Schedule [Annex 1], a revised Building Control Fee Charging Schedule [Annex 2] and an updated charging fees for S106 monitoring and High Hedge, following reviews undertaken in relation to the respective services.

Members recognised that the fees were set on the basis of cost recovery to provide the services and/or increased by the baseline rate of the inflation. In addition, benchmarking exercises had been undertaken against the fees charged by the other local authorities in Kent as part of the review process for the relevant services.

**RECOMMENDED\*:** That with effect from 1 April 2024

- (1) the proposed Pre-application Charging Schedule 2024/25, attached at Annex 1, be adopted;



- (2) the proposed Building Control Fee Schedule 2024/25, attached at Annex 2, be adopted;
- (3) the proposed charging fees for High Hedges, as set out in 1.2.2 – 1.2.4 of the report, be adopted; and
- (4) the proposed charging fees for S106 monitoring, including an update to the Planning Obligations Protocol S106 (paragraph 9.5), as set out in 1.2.5 – 1.2.9 of the report, be adopted.

**\*Recommended to Cabinet**

**HP 23/38 HMO AND CARAVAN SITE LICENSING FEE CHARGES FOR 2024/25**

The report of the Director of Planning, Housing and Environmental Health updated Members on the existing fees charged to license a house in multiple occupation (HMO) or caravan site for permanent residential use and set out the proposed fee charges for 2024/25 to process the respective applications.

**RECOMMENDED\*:** That with effect from 1 April 2024

- (1) the proposed charge of £753 for processing a new mandatory house in multiple occupation (HMO) licence application, as set out in 1.1.5 of the report, be approved;
- (2) the proposed charge of £675 for processing a renewal application for a mandatory HMO licence, as set out in 1.1.5 of the report, be approved;
- (3) the proposed charge of £475 for processing a new caravan site licence application where the use of the site was for permanent residential use, as set out in 1.2.3 of the report, be approved;
- (4) the proposed charge of £232 for the transfer of a caravan site licence for a permanent residential use site, as set out in 1.2.3 of the report, be approved; and
- (5) the proposed charge of £273 for processing a fit and proper person test application for licence holders of relevant protected sites other than non-commercial family occupied sites, as set out in 1.2.7 of the report, be approved.

**\*Recommended to Cabinet**

**HP 23/39 SUSTAINABLE TEMPORARY ACCOMMODATION OPTIONS  
REPORT AND TEMPORARY ACCOMMODATION PROVISION  
ACTION PLAN**

The report of the Director of Planning, Housing and Environmental Health introduced a consultant report by Altair, who were commissioned to research and report on sustainable Temporary Accommodation (TA) delivery options for the Borough Council, as part of the Local Government Association Housing Advisers Programme, to deliver 40 sustainable temporary accommodation units. A copy of the report was provided at Annex 1.

As informed by the options report, a Temporary Accommodation Portfolio Action Plan had been developed to work towards securing sustainable TA provision and a copy was attached at Annex 2.

Members had an in-depth discussion with regard to the various options as recommended in the consultant report, with particular reference made to modular construction of new homes, private sector leasing, partnership working with registered providers, social lettings agency and re-purposing existing stock. It was explained that the research focused on meeting the core and ongoing needs of the Borough Council in providing sustainable TA.

The in borough location had been acknowledged as one of the primary goals the Council was seeking to achieve in respect of sustainable TA provision, however, this needed to be balanced with considerations across a range of priorities, including suitability and feasibility of potential sites.

Furthermore, it was noted that potential sites, once identified and assessed to be suitable for delivery, would be presented to full Council in due course for consideration by Members.

**RECOMMENDED\*: That**

- (1) the Options Appraisal Report on Sustainable Temporary Accommodation Delivery by Altair, attached at Annex 1, be noted and endorsed by Council; and
- (2) the Temporary Accommodation Portfolio Action Plan, attached at Annex 2, be approved and adopted.

**\*Recommended to Cabinet**

## **HP 23/40 UPDATE ON LOCAL PLAN INFRASTRUCTURE EVIDENCE**

(Decision Notice D230108MEM)

The report of the Director of Planning, Housing and Environmental Health summarised the latest position in relation to the preparation of the Infrastructure Delivery Plan (IDP), which covered all forms of infrastructure, including water, wastewater, electricity, gas and telecommunications as well as social and health facilities. It was noted that the IDP was a live document and was regularly updated to reflect the Borough Council's progressing Local Plan and the revised business, service and delivery plans of infrastructure and service providers.

Particular reference was made to the specific emphasis on water resources and sewerage capacity, as a key part of the IDP process, and specific engagement with water providers.

Members had an in-depth discussion on concerns raised over both sewerage and surface water drainage systems and were advised that mitigation measures required in respect of the water/wastewater infrastructure to support growth could be addressed in the IDP, which would be reported to Members for approval in due course, to accompany the emerging Local Plan.

**RECOMMENDED\*:** That

- (1) the contents of the report be noted; and
- (2) the approach to infrastructure matters as set out in the report be approved.

**\*Decision taken by Cabinet Member**

## **HP 23/41 INFRASTRUCTURE FUNDING STATEMENT 2022/23**

(Decision Notice D230109MEM)

The report of the Director of Planning, Housing and Environmental Health outlined the statutory requirement under regulation 121A for the Brough Council to publish an annual Infrastructure Funding Statement (IFS) and sought approval to publish the annual IFS, attached at Annex 1, and the associated documents outlining S106 contributions secured, allocated and spent where appropriate over the monitoring period of 2022/23.

Particular reference was made to the introduction of a newly proposed Infrastructure Levy, for which a response had been issued to the consultation and a decision was awaited from the central government.

Members welcomed the report, although disappointment had been expressed towards the failing of the Kent County Council in meeting certain delivery timeframes.

With regard to the possibility of repurposing S106 contribution towards alternative projects, Members noted that the developer contribution had to be agreed to directly mitigate the impact arising from the development and any subsequent alteration of its use would be subject to further agreement of the developer via variation.

**RECOMMENDED\*:** That

- (1) the Infrastructure Funding Statement 2022/23, attached at Annex 1, and the associated documents, attached at Annex 2, be endorsed and published by the end of December 2023.

**\*Decision taken by Cabinet Member**

#### **HP 23/42 ACTIVE TRAVEL STRATEGY**

(Decision Notice D230110MEM)

The report of the Director of Planning, Housing and Environmental Health provided Members with an update on progress and next steps in the preparation of the Tonbridge and Malling Active Travel Strategy (ATS), which was being prepared in accordance with the Department for Transport's published Local Cycling and Walking Infrastructure Plan guidance. Once adopted, this Strategy would replace the current borough Cycling Strategy.

Members noted that a cycle route priorities consultation had been undertaken in 2022 to inform the preparation of the ATS and a full summary of the consultation feedback was included at Annex 1, with headlines highlighted in 1.1.4 of the report. Careful consideration had been given to the feedback received by the project team, with particular reference made to the alternative route suggestions and ideas to improve infrastructure for active travel on local roads and public rights of way. The route suggestions were set out in Annex 2, including comments from the project team.

Queries and concerns were raised over a number of particular routes and Members were assured that future deliveries would be subject to detailed scheme design and public consultation to enable full options to be presented when the draft Strategy was brought back to the Committee for consideration. However, it was recognised that funding remained limited for active travel projects in the coming years.

**RECOMMENDED\*:** That

- (1) the feedback received to the cycle route priorities consultation and the progress being made, be noted;
- (2) the alternative routes detailed in 1.1.6 of the report be investigated further for potential inclusion within the Active Travel Strategy; and
- (3) the updated timetable as detailed in 1.2.3 of the report, be noted.

**\*Decision taken by Cabinet Member**

**MATTERS SUBMITTED FOR INFORMATION**

**HP 23/43 KEY PERFORMANCE INDICATORS**

Members received a list of Key Performance Indicators (KPIs) that were aligned to the priorities as identified in the adopted Corporate Strategy 2023-2027 and were relevant to the Committee. A baseline covering the period 2022/23 had for the most part been used, with the data for July to September 2023 representing the most up-to-date available statistics in most instances. In order to improve the effectiveness of KPI monitoring, trend analysis and targets had also been included in the KPIs provided at Appendix 1 and a number of the identified trends were highlighted in 1.1.5 of the report. The KPIs would be monitored on a quarterly-annual basis and would be made available on an ongoing basis.

With regard to benchmarking, it was noted that for those KPIs that were already being benchmarked, the benchmarking data would be added in the next cycle of reporting, and further work would be undertaken to build up benchmarking for the remaining KPIs.

Particular reference was made to the KPIs in respect of planning appeals and it was explained that the indicators could represent cases dealt with in different accounting periods due to the varying length of time for decisions to be taken on appeals.

With regard to planning enforcement notices, it was noted that a new process for serving enforcement notice involving legal review was being implemented.

**HP 23/44 WORK PROGRAMME 2024/25**

The Work Programme setting out matters to be scrutinised during 2024/25 was attached for information. Members were invited to suggest future matters by liaising with the Chair of the Committee.

**MATTERS FOR CONSIDERATION IN PRIVATE**

**HP 23/45 EXCLUSION OF PRESS AND PUBLIC**

There were no matters considered in private.

The meeting ended at 9.42 pm

## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **CABINET**

### **MINUTES**

**Tuesday, 9th January, 2024**

**Present:** Cllr M D Boughton (Chair), Cllr D Keers, Cllr K B Tanner and Cllr M Taylor

**In attendance:** Councillors L Athwal\*, M A J Hood\*, D W King, A Mehmet\*, K S Tunstall\* was also present pursuant to Access to Information Rule No. 23.

**Virtual** Councillors J Clokey, D A S Davis, F A Hoskins, Mrs A S Oakley, W E Palmer, M R Rhodes, D Harman and S Crisp participated/listened to the discussion in accordance with Access to Information Rule No 23.

(\*left the meeting after agenda item 6)

Apologies for absence were received from Councillors R P Betts and M A Coffin for in-person attendance. However, they participated/listened to the discussion via MS Teams.

### **PART 1 - PUBLIC**

#### **CB 24/1 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

#### **CB 24/2 MINUTES**

**RESOLVED:** That the Minutes of the ordinary and extraordinary meetings of the Cabinet held on 8 November and on 5 December be approved as a correct record and signed by the Chair.

### **DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION**

#### **EXECUTIVE NON-KEY DECISIONS**

#### **CB 24/3 EXTENSION OF GREEN BELT - PETITION**

(Decision Notice: D240002CAB)

Consideration was given to a petition received from East Malling and Larkfield and West Malling Parish Councils 'seeking support for an

extension to the Green Belt to protect the green fields between East and West Malling and Kings Hill’.

The petition organisers addressed the Cabinet in accordance with the Borough Council’s Petition Scheme, as set out in the Constitution, and expressed concern at any potential reliance on strategic gap policy that was undefined and could weaken the adoption of the Local Plan. Petitioners felt that an extension of the green belt would strengthen the Borough Council’s position in protecting historic and rural communities. Concern was also expressed that the expansion of Kings Hill would create an urban sprawl between West Malling, East Malling and Kings Hill.

Due regard was given to the views of the petition organisers and Local Plan, financial and value money considerations, legal implications and risk and equality impact assessments detailed in the report of the Director of Planning, Housing and Environmental Health. Whilst Cabinet understood the points raised by the petitioners, it was recognised that potential extensions to the Green Belt boundary required to be led by evidence and any decisions prior to this being made available were likely to be subject to challenge, which presented risks to future adoption of the Local Plan and damage to the reputation of the Borough Council. However, the Borough Council would continue to explore all options to ensure that settlements retained their own identities.

On the grounds that any decision to formally and firmly support a Green Belt extension at this stage in the plan preparation would be premature and not based on available evidence and would, therefore, likely fail Local Plan examination it was proposed by Cllr Boughton seconded by Cllr Keers and

**RESOLVED:** That

- (1) the Petition seeking support for an extension to the Green Belt be received and noted; and
- (2) all policy options continue to be explored to provide protection for the green belt and open land.

[Speakers: Cllr Mrs T Dean and Cllr D Thornewell as petition organisers representing West Malling and East Malling and Larkfield Parish Councils]



**CB 24/4    TONBRIDGE MODEL ENGINEERING SOCIETY - PETITION**

(Decision Notice: D240003CAB)

Consideration was given to a petition from the Tonbridge Model Engineering Society 'urging Tonbridge Council to think again about the new Leisure Centre location'.

The petition organisers addressed the Cabinet in accordance with the Borough Council's Petition Scheme and, whilst understanding that new facilities would be a benefit to Tonbridge, reminded of the importance of preserving local heritage and that the miniature railway was a cherished part of the towns community as demonstrated by the number of signatures on the petition.

In response to a point of order seeking clarification around Members Interests, particularly for trustees of the Tonbridge and Malling Leisure Trust, the Interim Monitoring Officer agreed that as the petition did not relate to financial matters there was no need to declare an Other Significant Interest (OSI). The Member in question was not a member of the Cabinet. However, it was noted that if an OSI existed the Member would be entitled to address the meeting before withdrawing as long as the public could speak on the same matter.

Due regard was given to the points made by the petition organisers and the views expressed by local Members, who also recognised that the miniature railway was a valuable and much loved feature of Tonbridge. It was also emphasised that, although the Tonbridge and Malling Leisure Trust had indicated in their business plan that the miniature railway site was their preferred location if leisure facilities were relocated from the Angel Centre, there was no formal Council decision in place relating to this point. The difficulties associated with the site in terms of flooding and parking were widely known and accepted.

There was robust discussion on a number of points including the unsuitability of the site for development due to flooding, the value of the miniature railway as a community asset and the hope that Cabinet would reinforce the Borough Council's existing position in respect of the site. Reference was made to the ongoing review of Borough Council owned property assets in Tonbridge and it was hoped that the report of the external consultant would be available for further consideration as soon as possible.

On the grounds of providing clarity for the Tonbridge Model Engineering Society, it was proposed by Cllr Boughton seconded by Cllr Taylor that the Borough Council's existing position be confirmed as set out below. The Leader also committed to sending a formal letter to Tonbridge Model Engineering Society setting out the final decision and to apologise for any anxiety caused.

**RESOLVED:** That

- (1) the existing position be confirmed:
  - the site currently occupied by the Tonbridge Model Engineering Society for the Miniature Railway continued to be available for this purpose and would not be used for alternative leisure facilities in Tonbridge; and
- (2) Tonbridge Model Engineering Society be invited to put forward proposals to start a negotiation over an updated agreement between the two parties for this use on site.

[Speakers: Mr Harwood and Mr Low as petition organisers and on behalf of Tonbridge Model Engineering Society]

**CB 24/5 REVIEW OF FEES AND CHARGES 2024/25**

(Decision Notice: D240004CAB)

Consideration was given to recommendation FRP 23/28 of the Finance, Regeneration and Property Scrutiny Select Committee of 14 November 2023 in respect of proposed fees and charges for the provision of services related to legal fees, photocopying, Street Name and Numbering, local land charge searches and enquiries, Tonbridge Castle and recovering unpaid Council Tax debts from 1 April 2024.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and legal implications and recognised that in bringing forward the charging proposals for 2024/25 consideration had been given to a range of factors including the Borough Council's overall financial position, market position, trading patterns and the current rate of inflation and customer feedback.

**RESOLVED:** That

- (1) the proposed charges for legal costs, as set out in 1.2 of the report, be adopted with effect from 1 April 2024;
- (2) the current photocopying charges of £0.10 (inclusive of VAT) for each page of the same document or additional copies of the same page plus postage as appropriate, as set out in 1.3.4 of the report, be retained;
- (3) the proposed fee schedules for Street Naming and Numbering, as set out in 1.4 of the report, be adopted with effect from 1 April 2024, subject to noting that, following clarification requested by the Finance, Regeneration and Scrutiny Select Committee, the

percentage fee increases set out in the table were correct and paragraph 1.4.4 should indicate that '... as a starting point of 7%';

- (4) the proposed scale of fees for local land charges searches and enquiries, as set out in Annex 1 and 1.5 of the report, be adopted with effect from 1 April 2024;
- (5) the proposed fees and charges for 2024/25 related to Tonbridge Castle, as set out in 1.6 of the report, be adopted with effect from 1 April 2024; and
- (6) the amount of costs charged in 2024/25 to recover unpaid Council Tax debts be increased from £100 to £110, as set out in 1.7 of the report, with effect from 1 April 2024.

#### **CB 24/6 ECONOMIC DEVELOPMENT STRATEGY 2023 - 2027**

(Decision Notice: D240005CAB)

Consideration was given to recommendation FRP 23/29 of the Finance, Regeneration and Property Scrutiny Select Committee of 14 November 2023.

Cabinet gave due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and the legal implications and noted that the proposed changes to the draft Economic Development Strategy 2023-2027 reflected the feedback received during the consultation exercise undertaken in Autumn 2023.

**RESOLVED:** That

- (1) the report be noted; and
- (2) the revised Economic Development Strategy 2023-2027, as set out in Appendix 1, be approved, subject to the definition of the 'Markets' as in 'Programme of Town Centre Events and Markets' under the theme of 'Vibrant Town Centres' being added to the Action Plan to clarify its coverage of farmers' markets.

#### **CB 24/7 REVIEW OF OUTSIDE BODIES**

(Decision Notice: D240006CAB)

Consideration was given to recommendation OS 23/53 of the Overview and Scrutiny Committee of 16 November 2023 in respect of the recent review of appointments to outside bodies.

Cabinet gave due regard to the views of the Committee, the financial and value for money considerations and the legal implications and supported the distribution of outside bodies appointments being divided

between the Overview and Scrutiny Committee and the 3 Scrutiny Select Committees to enable effective engagement to be undertaken as it was recognised that the organisations all operated very differently, with varied requirements from their nominated representative. As a result of the review, there was consensus that the perceived benefits were being achieved although it was apparent that there was a lack of consistent reporting back to the Borough Council.

**RESOLVED:** That

- (1) the approach of distributing the annual appointments to outside bodies list between the Overview and Scrutiny Committee and the 3 Scrutiny Select Committees, as set out in 1.2.3 of the report, be endorsed by Cabinet; and
- (2) each Scrutiny Committee be invited to consider how to receive feedback from the outside bodies assigned to them.

**CB 24/8      SUSTAINABLE TEMPORARY ACCOMMODATION OPTIONS  
REPORT AND TEMPORARY ACCOMMODATION PROVISION  
ACTION PLAN**

(Decision Notice: D240007CAB)

Consideration was given to recommendation FRP 23/29 of the Finance, Regeneration and Property Scrutiny Select Committee of 14 November 2023 in respect of a Temporary Accommodation Portfolio Action Plan (attached at Annex 2).

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and the legal implications and noted that the Action Plan had been developed to address sustainable TA provision. The Action Plan had been informed by a consultant's options report.

Finally, it was noted that further details in respect of temporary accommodation options would be presented to full Council in due course.

**RESOLVED:** That the Temporary Accommodation Portfolio Action Plan (attached at Annex 2) be approved and adopted.

**EXECUTIVE KEY DECISIONS**

**CB 24/9      REVIEW OF THE PLANNING PERFORMANCE AGREEMENT  
PROTOCOL AND FEE CHARGING SCHEDULE 2024/25**

(Decision Notice: D240008CAB)

Consideration was given to recommendation HP 23/26 of the Housing and Planning Scrutiny Select Committee of 14 December 2023 in respect of the review of the Planning Performance Agreement Protocol (PPA) and fee charging schedule for 2024/25.

Due regard was given to the views of the Scrutiny Select Committee, the financial and value for money considerations and legal implications. Cabinet welcomed the introduction of an 'inception meeting' to support the Planning Performance Agreement Protocol and recognised that, whilst fees were set on a cost recovery only basis, the current fee schedule did not recover the full costs of the service. Therefore, Cabinet supported the revised charging schedule for 2024/25 (attached at Annex 3).

**RESOLVED:** That

- (1) the amendment and publication of the Planning Performance Protocol (attached at Annex 1) be approved;
- (2) the inception meeting (attached at Annex 2) be adopted; and
- (3) the updated Planning Performance Agreement charging schedule for 2024/25 (attached at Annex 3) be adopted.

**CB 24/10 REVIEW OF FEES AND CHARGES 2024/25 FOR PRE-APPLICATION ADVICE SERVICE, BUILDING CONTROL FEES AND FOR HIGH HEDGES AND S106 MONITORING FEES**

(Decision Notice: D240009CAB)

Consideration was given to recommendation HP 23/37 of the Housing and Planning Scrutiny Select Committee of 14 December 2023 in respect of fees and charges for pre-application advice, building control, high hedges and s106 monitoring fees for 2024/25.

Due regard was given to the views of the Scrutiny Select Committee, financial and value for money considerations and legal implications. It was recognised that fees were set on the basis of cost recovery and/or increased by the baseline rate of the inflation. Cabinet welcomed the benchmarking exercises undertaken against the fees charged by other local authorities in Kent which had been detailed in the report to the Scrutiny Select Committee.

**RESOLVED:** That

- (1) the proposed Pre-application Charging Schedule 2024/25 (attached at Annex 1) be adopted;
- (2) the proposed Building Control Fee Schedule 2024/25 (attached at Annex 2) be adopted;

- (3) the proposed charging fees for High Hedges (detailed in the Scrutiny Select Committee report) be adopted; and
- (4) the proposed charging fees for s106 monitoring, including an update to the Planning Obligations Protocol S106 (detailed in the Scrutiny Select Committee report) be adopted.

**CB 24/11 HMO AND CARAVAN SITE LICENSING FEE CHARGES FOR 2024/25**

(Decision Notice: D240010CAB)

Consideration was given to recommendation HP 23/38 of the Housing and Planning Scrutiny Select Committee of 14 December 2023 in respect of fee charges for HMO and Caravan Site Licensing for 2024/25. Due regard was given to the views of the Scrutiny Select Committee, financial and value for money considerations and legal implications. Following a review of administrative costs associated with charging for HMO and caravan site licences, proposals for revised charges were detailed in the report considered by the Scrutiny Select Committee. Cabinet welcomed the data from neighbouring Kent authorities for comparison.

**RESOLVED:** That with effect from 1 April 2024

- (1) the proposed charge of £753 for processing a new mandatory house in multiple occupation (HMO) licence application, as set out in 1.1.5 of the report, be approved;
- (2) the proposed charge of £675 for processing a renewal application for a mandatory HMO licence, as set out in 1.1.5 of the report, be approved;
- (3) the proposed charge of £475 for processing a new caravan site licence application where the use of the site was for permanent residential use, as set out in 1.2.3 of the report, be approved;
- (4) the proposed charge of £232 for the transfer of a caravan site licence for a permanent residential use site, as set out in 1.2.3 of the report, be approved; and
- (5) the proposed charge of £273 for processing a fit and proper person test application for licence holders of relevant protected sites other than non-commercial family occupied sites, as set out in 1.2.7 of the report, be approved.

**MATTERS SUBMITTED FOR INFORMATION****CB 24/12 CORPORATE KEY PERFORMANCE INDICATORS**

Members received a list of Key Performance Indicators (KPIs) that were aligned to the priorities as identified in the adopted Corporate Strategy 2023-2027 and monitored on a quarterly or annual basis.

Cabinet noted the positive, static and negative trends as detailed in the report and welcomed the inclusion of benchmarking data in the next cycle of reporting.

Finally, Cabinet recorded appreciation to Services for the good progress being made against key priorities and there would be continued focus on areas on improvement.

**CB 24/13 MINUTES OF PANELS, BOARDS AND OTHER GROUPS**

The Minutes of the meetings of the Parish Partnership Panel and the Tonbridge Community Forum of 9 November 2023 and 27 November 2023 were received and noted.

**CB 24/14 DECISIONS TAKEN BY CABINET MEMBERS**

Details of the Decisions taken in accordance with the rules for the making of decisions by executive members, as set out in Part 4 of the Constitution, were presented for information.

**CB 24/15 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.55 pm





## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **OVERVIEW AND SCRUTINY COMMITTEE**

#### **MINUTES**

**Wednesday, 10th January, 2024**

**Present:** Cllr Mrs A S Oakley (Chair), Cllr M A J Hood (Vice-Chair), Cllr C Brown, Cllr A Cope, Cllr D Harman, Cllr P M Hickmott, Cllr G B Hines, Cllr F A Hoskins, Cllr S A Hudson, Cllr D W King, Cllr J R S Lark, Cllr W E Palmer, Cllr B Banks (substitute), Cllr G C Bridge (substitute), Cllr A Mehmet (substitute), Cllr M R Rhodes (substitute) and Cllr C J Williams (substitute)

**In attendance:** Councillors A G Bennison, M D Boughton, J Clokey, S Crisp, D Keers, B A Parry, K B Tanner and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

**Virtual:** Councillors L Athwal, A McDermott, R V Roud and K S Tunstall participated via MS Teams in accordance with Council Procedure Rule 15.21.

Apologies for absence were received from Councillors R I B Cannon (Vice-Chair), T Bishop, R W Dalton, D A S Davis and D Thornewell.

#### **PART 1 - PUBLIC**

##### **OS 24/1 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute members were recorded as set out below:

- Councillor C Williams substituted for Councillor R Cannon
- Councillor B Banks substituted for Councillor T Bishop
- Councillor A Mehmet substituted for Councillor R Dalton
- Councillor M Rhodes substituted for Councillor D Davis
- Councillor G Bridge substituted for Councillor D Thornewell

In accordance with Council Procedure Rules 17.5 to 17.9 these Councillors had the same rights as the ordinary member of the committee for whom they were substituting.

##### **OS 24/2 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

**EXECUTIVE DECISIONS WHICH HAVE BEEN 'CALLED IN'****MATTERS FOR RECOMMENDATION TO THE CABINET****OS 24/3      CALL IN OF DECISION NOTICE D230106CAB - FUTURE OF THE ANGEL CENTRE, TONBRIDGE**

The report of the Scrutiny Officer advised that in accordance with the Overview and Scrutiny Procedure Rules set out in the Constitution, five members of the Committee had raised a valid 'call-in' request in relation to the decision taken by the Cabinet in respect of the future of the Angel Centre, Tonbridge.

Decision Notice D230106CAB (attached at Annex 1) had been published on 8 December 2023 and subsequently called-in by Councillors Hood, Hines, Cope, Hoskins and Thornevell.

The grounds for call-in were set out in the report, at paragraph 1.1.2, and the decision was 'deferred' pending consideration by the Overview and Scrutiny Committee.

Members of the Committee considered the grounds for the call-in and had regard to the responses provided by the Leader. There was detailed discussion on the general principle of taking the decision to demolish the Angel Centre before a suitable location for a replacement had been identified.

It was proposed by Councillor Hood and seconded by Councillor Hines that a revised decision be recommended to Cabinet as follows: "Mace, our consultants, should provide options for demolition, refurbishment and relocation of the leisure and community facilities currently provided at the Angel Centre; all options should be kept on the table until Members have sufficient detail to make an informed decision and are provided with a shortlist of possible locations."

Following a formal vote this proposal was rejected with 9 Members voting against and 8 voting in favour.

It was the opinion of Members that a sustainable carbon neutral and state of the art new leisure centre that met the evolving leisure and community needs of the residents would benefit the borough as a whole. The Leader advised that the demolishing and rebuilding option could ensure a continued provision of facilities as the existing Angel Centre would remain open until a replacement facility was opened. Members were further advised that there would be multiple stages to engage them for scrutinising and decision making in respect of the new leisure centre, as part of the asset review and regeneration of the Tonbridge Town Centre.

In order to emphasise the nature of the current decision being “in principle” and the inclusion of “community facilities” within the consideration of the replacement facilities, it was proposed by Councillor Harman and seconded by Councillor Hudson that an amended decision be recommended to Cabinet to highlight these points as discussed.

Following a formal vote this proposal was supported with 10 Members voting in favour and 7 voting against. In accordance with Council Procedure Rule 8. 6, Part 4 (Rules) of the Constitution, Councillors Hood, Banks, Cope, Hickmott, Hines, Hoskins and Bridge requested that it be recorded in the Minutes that they had voted against this proposal.

**RECOMMENDED:** That decision D230106CAB be amended as follows:

“In principle, the Angel Centre be demolished and replacement leisure and community facilities be provided in Tonbridge and, in principle, all options be kept on the table for the future location and nature of such replacement leisure and community facilities within Tonbridge.”

**\*Recommended to Cabinet**

### **MATTERS FOR CONSIDERATION IN PRIVATE**

#### **OS 24/4 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

### **PART 2 - PRIVATE**

### **MATTERS FOR INFORMATION**

#### **OS 24/5 FUTURE OF THE ANGEL CENTRE, TONBRIDGE - ANNEX 1**

**(Reason: LGA 1972, Sch 12A, Paragraph 3 – Financial or business affairs of any particular person)**

Annex 1 – Legal Implications, set out in Part 2 of the agenda, was attached for information during Members’ consideration of ‘Call In of Decision Notice D230106CAB – Future of the Angel Centre, Tonbridge’ (Minute OS 24/3 refers).

The meeting ended at 9.07 pm



## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **CABINET**

### **MINUTES**

**Wednesday, 10th January, 2024**

**Present:** Cllr M D Boughton (Chair), Cllr D Keers, Cllr K B Tanner and Cllr M Taylor

**In attendance:** Councillors A G Bennison, G C Bridge, J Clokey, P M Hickmott, F A Hoskins, S A Hudson, D W King, Mrs A S Oakley, W E Palmer and M R Rhodes were also present pursuant to Access to Information Rule No 23.

Apologies for absence were received from Councillors R P Betts and M A Coffin.

### **PART 1 - PUBLIC**

#### **CB 24/16 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

### **DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION**

#### **EXECUTIVE NON-KEY DECISIONS**

#### **CB 24/17 CALL IN OF DECISION NOTICE D230106CAB - FUTURE OF THE ANGEL CENTRE, TONBRIDGE**

In accordance with the Overview and Scrutiny Procedure Rules, this decision was the subject of a call-in and was scrutinised by the Overview and Scrutiny Committee on 10 January 2024. Members of the Committee considered the grounds for the call-in and had regard to the responses provided by the Leader. After in-depth discussion and a formal vote the Overview and Scrutiny Committee recommended that decision D230106CAB be amended as follows:

“In principle, the Angel Centre be demolished and replacement leisure and community facilities be provided in Tonbridge and, in principle, all options be kept on the table for the future location and nature of such replacement leisure and community facilities within Tonbridge.”

**RESOLVED:** That decision D230106CAB be amended as recommended by the Overview and Scrutiny Committee as set out above and come into immediate effect.

**CB 24/18 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

**PART 2 - PRIVATE****MATTERS SUBMITTED FOR INFORMATION****CB 24/19 FUTURE OF THE ANGEL CENTRE, TONBRIDGE - ANNEX 1**

**(Reason: LGA 1972, Sch 12A, Paragraph 3 – Financial or business affairs of any particular person)**

Annex 1 – Legal Implications, set out in Part 2 of the agenda, was attached for information during Members' consideration of 'Call In of Decision Notice D230106CAB – Future of the Angel Centre, Tonbridge' (Minute CB 24/17 refers).

The meeting ended at 9.12 pm  
having commenced at 9.10 pm

## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **AUDIT COMMITTEE**

**Monday, 15th January, 2024**

**Present:** Cllr R I B Cannon (Chair), Cllr M R Rhodes (Vice-Chair), Cllr J Clokey, Cllr J R S Lark, Cllr M A J Hood, Cllr B A Parry and Cllr T Bishop (substitute).

**Virtual:** Councillors R P Betts, A Cope, Mrs A S Oakley, W E Palmer and K B Tanner participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance with Council Procedure Rule No 15.21.

An apology for absence was received from Councillor R V Roud.

### **PART 1 - PUBLIC**

#### **AU 24/1 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute Members were recorded as set out below:

- Cllr Bishop substituting for Cllr Roud

In accordance with Council Procedure Rules 17.5 to 17.9 this Councillor had the same rights as the ordinary member of the committee for whom they were substituting.

#### **AU 24/2 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

#### **AU 24/3 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Audit Committee held on 25 September 2023 be approved as a correct record and signed by the Chairman.

### **MATTERS FOR RECOMMENDATION TO THE CABINET**

#### **AU 24/4 RISK MANAGEMENT**

The report of the Management Team provided details of the review undertaken by Zurich Risk Management and provided an update on the risk management process and the Strategic Risk Register (SRR).

Zurich Risk Management had undertaken a Risk Management Health Check through review of the Council's current strategy and guidance;

plus interviews with members of Corporate Management Team, the Chief Financial Services Officer and the Health and Safety Officer. The executive summary was attached at Annex 1 of the report and gave the Management Response to the recommendations.

Members received an update on the risk management process and the Strategic Risk Register (SRR). In September 2023, there were 10 risks categorised as 'red' as summarised below:

- Financial position/budget deficit
- Economic stability
- Savings and Transformation Strategy
- Local Plan
- Organisational Development including recruitment and retention/skills mix
- Homes for Ukraine Scheme
- Implementation of the Agile software system
- Political factors including stability of political leadership and decision making
- Performance Management
- Carbon Neutral 2030 Aspiration

Since last reported, there had been a downward movement in a number of risk scores which had resulted in a reduction in the number of RED risks. Financial position/budget deficit, economic stability, organisational development including recruitment/retention/skills mix and performance management were no longer identified as RED risks, however Safeguarding and PREVENT had been elevated to RED. Whilst 'Implementation of the Agile software system' remained a RED risk, Members were advised that the scoring had reduced given that part of the system was live. Members requested that the responsible owner of the risk be invited to attend a future meeting of the committee to discuss the associated risks.

A schedule of ongoing risks identified by Service Management Teams and Management Team since the last report to the Committee in September 2023 was set out in Annex 6 of the report.

During discussion, further information was sought on the reduced risk for 'Financial position/budget deficit', and it was noted that the draft budget for 2024/25 was looking positive. Information would be reported to the Overview and Scrutiny Committee on 25 January 2024. In terms of desirable risk scores for those risks on the Strategic Risk Register, Members indicated that the inclusion of SMART objectives would prove useful.



**RECOMMENDED\*: That**

- (1) the Risk Management Health Check be reviewed and the Management response to the recommendations made be considered and approved;
- (2) the Risk Management Strategy and accompanying Risk Management Guidance be reviewed, and subject to any amendments required, be recommended to Full Council for adoption;
- (3) the updates to the Strategic Risk Register since the last iteration with particular emphasis on those risks categorised as RED, as well as the general positive 'direction of travel', be noted; and
- (4) the responsible owner of the implementation of the Agile software system be invited to attend a future meeting of the Audit Committee to discuss the risk.

**\*Referred to Cabinet****AU 24/5 TREASURY MANAGEMENT UPDATE AND TREASURE MANAGEMENT AND ANNUAL INVESTMENT STRATEGY FOR 2024/25**

The report of the Director of Finance and Transformation provided details of investments undertaken and return achieved in the first eight months of the current financial year and introduced the Treasury Management and Annual Investment Strategy 2024/25 attached at Annex 5 to the report.

In addition, the report made reference to non-treasury management practices and the required procedures to ensure compliance with the Treasury Management and Prudential Codes of Practice and Statutory Guidance on Local Government Investments.

A full list of investments held on 30 November 2023 was attached at Annex 1 to the report and a copy of the lending list at Annex 2. In terms of cash flow and core cash investments, £1,959,433 was earned in interest to the end of November 2023, which was above the original budget estimate for the same period. The increase reflected the continued upward movement of interest rate rises and the favourable rates available to the Council. During the period 1 April 2023 to 30 September 2023, the £5m investment in property funds generated dividends of £92,939, which represented an annualised return of 3.72%, compared to 3.49% in 2022/23.

The parameters to limit the Borough Council's exposure to investment risks were summarised in Annex 5. There were no changes to the current approved risk parameters proposed at this time.

**RECOMMENDED\*:** That

- (1) the treasury management position as at 30 November 2023 be noted; and
- (2) the Treasury Management and Annual Investment Strategy for 2024/25 (attached as Annex 5) be adopted.

**\*Referred to Cabinet**

**DECISIONS TAKEN UNDER DELEGATED POWERS****AU 24/6 ACCOUNTING POLICIES**

The Accounting Policies proposed for the 2023/24 Financial Statements were presented for consideration and endorsement. It was noted that a minor change proposed to the previous Accounting Policies was the clarification of the Council's minimum accrual limits for revenue items of £10,000, and £10,000 for capital schemes. It was noted that there would be exceptions where accruals were occasionally raised below these limits, depending on the nature of the transaction.

**RESOLVED:** That the Accounting Policies to be used in the preparation of the 2023/24 Financial Statements, as set out at Annex 1 of the report, be endorsed.

**AU 24/7 BIENNIAL REVIEW OF ANTI-FRAUD, BRIBERY, AND CORRUPTION POLICY AND WHISTLEBLOWING POLICY**

The report informed Members of the outcome of the biennial review of the Council's Anti-Fraud, Bribery and Corruption Policy and Whistleblowing Policy.

The review had identified Grant Funding, Procurement Fraud and Mandate Fraud as additional fraud/error risks.

The Whistleblowing Policy and Procedure, attached at Annex 2 and 3 to the report, were also presented and it was noted that there were no changes required to bring the documents up to date with best practice following its last review in January 2022, with the exception of some minor amendments. The external Whistleblowing Policy, which provided the public and those providing services to the organisation to raise concerns, was also presented and was attached at Annex 4 to the report.

During discussion, an update was sought on the Council's procurement resources and it was noted that the options were being discussed.

**RESOLVED:** That

- (1) the Anti-Fraud, Bribery and Corruption Policy (attached as Annex 1) be approved;
- (2) the General Purposes Committee be invited to approve the Whistleblowing Policy (attached as Annex 2); and
- (3) any necessary amendments to key controls held within the Whistleblowing Policy be delegated to officers as and when they occur.

**MATTERS SUBMITTED FOR INFORMATION****AU 24/8 INTERNAL AUDIT AND COUNTER FRAUD UPDATE**

Members were provided with an update on the work of both the Internal Audit function and the Counter Fraud function for the period September 2023 to January 2024. Progress against the 2023/24 Plan was also reported and noted.

A summary of the current status of all audits on the 2023/24 Plan, including a summary of findings where finalised was attached at Annex 1 to the report.

Attention was drawn to the new, updated, set of Internal Audit Standards which would be implemented in January 2025. The standards would be set across 15 principles, under 5 domains, most significantly domain 3 'Governing the Internal Audit Function, and it was likely that this would incorporate additional requirements from senior management and the Audit Committee, and an improvement plan would be developed and presented to the Audit Committee to address any gaps.

**RESOLVED:** That the report be noted.

**AU 24/9 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.25 pm



**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**GENERAL PURPOSES COMMITTEE**

**MINUTES**

**Wednesday, 24th January, 2024**

**Present:** Cllr M R Rhodes (Chair), Cllr M A Coffin (Vice-Chair), Cllr K Barton, Cllr A G Bennison, Cllr J Clokey, Cllr D A S Davis, Cllr A McDermott, Cllr B A Parry and Cllr K B Tanner

**In attendance:** Councillors P M Hickmott, M A J Hood and W E Palmer were also present pursuant to Council Procedure Rule No 15.21.

**Virtual:** Councillors M D Boughton, R I B Cannon, R W Dalton, D Harman, S A Hudson, D Keers, D W King and Mrs A S Oakley participated via MS Teams in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors B Banks and R V Roud.

**PART 1 - PUBLIC**

**GP 24/1 NOTIFICATION OF SUBSTITUTE MEMBERS**

There was no notification of substitute members received.

**GP 24/2 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

**GP 24/3 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the General Purposes Committee held on 11 October 2023 be approved as a correct record and signed by the Chairman.

**MATTERS FOR RECOMMENDATION TO THE COUNCIL**

**GP 24/4 LOCALISM ACT - PAY POLICY**

The report of the Interim Chief Executive summarised the requirements of the Localism Act 2011 and presented an updated Pay Policy Statement for 2024/25 as set out in Annex 1 to the report.

Members noted that as there had not been many significant changes in the Borough Council's remuneration policy apart from the addition in

respect of the introduction of the Recruitment & Retention Market Supplement Policy in October 2023, the substantive content of the updated Pay Policy Statement in Annex 1 was nearly identical to the Borough Council's first Pay Policy Statement (adopted by the Council on 16 February 2012).

**RECOMMENDED\*:** That the Pay Policy set out in Annex 1 be commended for adoption at the next ordinary meeting of the Council.

**\*Referred to Council**

### **DECISIONS TAKEN UNDER DELEGATED POWERS**

#### **GP 24/5 PAY AWARD 2024/25**

The report of the Interim Chief Executive presented Members with five different options to consider in determining the pay award for employees for 2024/25, as set out in detail in 1.7 of the report.

Members noted that the Borough Council employees had a term in their contracts which read 'Salaries will be revised on 1 April each year by an amount determined by the Authority having regard to movements in the Retail Price Index, comparative pay settlements and prevailing economic conditions' and the Borough Council therefore determined its own pay awards and was not tied into the national process of collective bargaining. The Borough Council's current salary scales were attached at Annex 1 of the report and UNISON's pay claim for 2024/25 at Annex 2.

The Chair proposed and it was seconded that Council Procedure Rule No 10.11 be suspended, to allow representative of UNISON to address the Committee on behalf of its members, during which concern was raised in respect of the significant fluctuation in cost of living, with particular reference made to the below inflation pay rise and its impact on members of staff of all grades. Following the statement from UNISON, Council Procedure Rules were reapplied.

Particular attention was drawn to the significant rise of the National Living Wage (NLW) from 1 April 2024 as announced by the Government – a rise of 9.8% from £10.42 to £11.44 per hour, an increase of £1.02 per hour. It was acknowledged that the Borough Council had a legal obligation to not pay below the NLW and due regard was given to the impact of the NLW rise as detailed in 1.3 of the report.

During discussion, Member further noted that a budget provision of £600,500 had been made for pay award inflation within the Medium Term Financial Strategy. In order to address the pressures the Borough Council was facing both in response to the significant rise in the NLW and in recruitment and retention with particular reference made to M grade staff, Option 5 was identified as a preferable pay award option for

employees for 2024/25 and its financial implications were noted. Members recognised the importance of sufficient and appropriate remuneration in securing valuable employees for the Borough Council.

**RESOLVED:** That the Borough Council's current pay structure be maintained by applying a fixed monetary amount of £1,900 increase to all 'Local' grades (scale 2 to Senior Officer (SO)) staff and a flat rate increase of 5% to all Management grades (M grade) staff, with effect from 1 April 2024 (as set out in Option 5).

#### **GP 24/6 REVIEW OF WHISTLEBLOWING POLICY**

The report of the Interim Chief Executive advised of the outcome of the annual review of the Borough Council's Whistleblowing Policy following its consideration by the Audit Committee on 15 January 2024. A copy of the updated internal Whistleblowing Policy was attached at Annex 1 with the new Whistleblowing Procedure at Annex 2. In addition, to align with best practice, an external policy to be made available to support those working externally who might witness wrongdoing by officers and councillors, was attached at Annex 3.

**RESOLVED:** That the Whistleblowing Policy, as attached at Annex 1, and accompanying Whistleblowing Procedure and External Policy, as set out in Annexes 2 and 3 respectively, be approved.

#### **GP 24/7 REVIEW OF POLLING DISTRICTS AND POLLING PLACES**

Following receipt of the final recommendations for the Constituency arrangements from the Boundary Commission for England, a Polling District & Polling Place Review had been undertaken to implement any necessary changes to Polling Districts/Places. The report of the Interim Chief Executive detailed the final proposals for the new constituency structure and the Polling Districts/Places/Stations under the new Constituency arrangements following a public consultation which ran from 1 December 2023 to 1 January 2024. A list of the final Polling Districts/Places in each constituency that covered the Borough was attached at Annexe 2 and a map showing the new constituencies and their final Polling Districts/Places at Annexe 3.

**RESOLVED:** That the new Polling District/Place structure as set out in the report and in Annexes 2 and 3, be agreed.

#### **MATTERS FOR CONSIDERATION IN PRIVATE**

#### **GP 24/8 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

**RESOLVED:** That as public discussion would disclose exempt information, the following matters be considered in private.

**PART 2 - PRIVATE****DECISIONS TAKEN UNDER DELEGATED POWERS****GP 24/9 ESTABLISHMENT REPORT**

(Reasons: LGA 1972 – Sch 12A Paragraph 1 and 2 – Information relating to an individual and information which is likely to reveal the identity of an individual)

The report set out for Members' approval a number of establishment changes recommended by Management Team. Members noted that, in accordance with adopted conventions, all of the savings/costs referred to in the report reflected the salary at the top of the scale/grade plus associated on costs.

**RESOLVED:** That

- (1) the interim monthly allowance paid to the Head of Administrative & Property Services for undertaking the role of Interim Data Protection Officer, during the period 13 December 2023 to 14 May 2024, be noted;
- (2) the creation of a new full time, 3 year fixed term, Graduate Developer post on a career graded pay scale of scale 4-6, be approved with immediate effect;
- (3) the creation of a new permanent, full time, Property Project Officer on the SO grade, be approved with immediate effect;
- (4) the regrade of the Estates Surveyor (DA1104) post from an M9 to an M8, be approved with immediate effect;
- (5) the redesignation of the Leisure Services Officer, post DB0407, to Senior Events Officer, grade scale 6/SO, based within the new Events Team in Central Services with effect from 1 February 2024, be approved;
- (6) the redesignation of the Leisure Development Assistant, post DB0404, to an Assistant Events Officer post, grade 4, based within the new Events Team in Central Services with effect from 1 February 2024, be approved;
- (7) the redesignation of the Gateway and Customer Services Manager, post DB0351, to Tonbridge Castle, Events and Customer Service Manager, grade M7, with effect from 1 February 2024, be approved;
- (8) the redesignation of the Senior Customer Services Adviser, post DB0345, to Senior Customer Services and Castle Events



Coordinator, scale 5, with effect from 1 February 2024, be approved;

- (9) the redesignation of the Leisure Services Manager (Events & Partnerships), post DG0406, to Leisure Services Manager (Trust Management/Partnerships), grade M8, with effect from 1 February 2024, be approved;
- (10) the redesignation of the Senior Customer Service Adviser, post DB0308, to Customer Service Adviser, grade 2/3, with effect from 1 February 2024, be approved; and
- (11) the likely compensatory costs linked to the Council's policy on compensating staff for increased travel to work mileage due to a re-organisation, be noted.

The meeting ended at 8.28 pm



## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **OVERVIEW AND SCRUTINY COMMITTEE**

#### **MINUTES**

**Thursday, 25th January, 2024**

**Present:** Cllr Mrs A S Oakley (Chair), Cllr R I B Cannon (Vice-Chair), Cllr M A J Hood (Vice-Chair), Cllr T Bishop, Cllr C Brown, Cllr A Cope, Cllr R W Dalton, Cllr D A S Davis, Cllr D Harman, Cllr P M Hickmott, Cllr G B Hines, Cllr F A Hoskins, Cllr W E Palmer, Cllr D Thornewell, Cllr M R Rhodes (substitute), Cllr K S Tunstall (substitute) and Cllr C J Williams (substitute).

**In attendance:** Cllrs R P Betts, S Crisp, K B Tanner, M D Boughton\*, M A Coffin\*, D Keers\*, M Taylor\* and Mrs S Bell\* participated via MS Teams in accordance with Council Procedure Rule 15.21.

\*participated via MS Teams

Apologies for absence were received from Councillors S A Hudson, D W King and J R S Lark

#### **PART 1 - PUBLIC**

##### **OS 24/6 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute members were recorded as set out below:

- Cllr Rhodes substitute for Cllr Hudson
- Cllr Tunstall substitute for Cllr King
- Cllr Williams substitute for Cllr Lark

In accordance with Council Procedure Rules 17.5 to 17.9 these Councillors had the same rights as the ordinary member of the committee for whom they were substituting.

##### **OS 24/7 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

##### **OS 24/8 MINUTES**

**RESOLVED:** That the Minutes of the ordinary and extraordinary meetings of the Overview and Scrutiny Committee held on 16 November 2023 and 10 January 2024 be approved as a correct record and signed by the Chair.

**MATTERS FOR RECOMMENDATION TO THE CABINET****OS 24/9 REVENUE ESTIMATES 2024/25**

The report of the Director of Finance and Transformation and the Cabinet Member for Finance and Housing referred to the responsibility of the Cabinet under the Constitution for formulating initial draft proposals in respect of the Budget. Reference was made to the role of the Overview and Scrutiny Committee in assisting the Cabinet and the Council in preparation of the Budget for 2024/25 within the context of the Medium Term Financial Strategy (MTFS) and the Council's priorities.

Attention was drawn to the difficulties experienced within the budget setting process of incorporating the current economic impacts of inflationary effects and the ongoing conflict in Ukraine and its impact on global economic conditions both next year and over the medium term. Other financial considerations included the better than anticipated provisional local government finance settlement for 2024/25, an allocation for New Homes Bonus and the ability for district councils to increase council tax up to 3%, or £5 whichever was greater. However, the future financial position remained challenging as there was no indication of future core funding beyond 2024/25 or certainty around the future of New Homes Bonus.

In addition, business rates (NDDR) receipts were higher than originally expected and this, coupled with the 'one-off' release of business rates appeals provision, provided a rare opportunity to set aside a significant amount of funds in earmarked reserves to assist in delivering the Borough Council's key priorities. Therefore, additional reserve contributions totalling £4.495m to support temporary accommodation, regeneration of Tonbridge town centre, climate change, transformation and the Local Plan was proposed. The proposal was supported by Members as detailed in 1.10 of the report.

However, due to the threat of reducing external funding from Government (as detailed in 1.13.7) coupled with increased costs creating a 'funding gap' the need to deliver savings remained. Based on the provisional finance settlement, the MTFS had been remodelled and the 'funding gap' was estimated to be in the region of £1.78m, plus £200k to be delivered from office accommodation and £400k in respect of the cost of temporary accommodation.

Finally, to support scrutiny of the Revenue Estimates information had been provided as whether a service was mandatory or discretionary (attached at Annex 3) and this was welcomed by Members.

Careful consideration was given to the draft Revenue Estimates 2024/25 (detailed in Annex 1) and officers responded to questions raised by Members related to estimates/costs for temporary accommodation,

agency fees for staff; recycling credits and parking. There were no further recommendations in respect of the Revenue Estimates identified.

**RECOMMENDED\*:** That

- (1) the draft Revenue Estimates (attached at Annex 1) be endorsed for consideration by Cabinet at its special meeting on 13 February 2024;
- (2) the additional earmarked reserve contribution, as set out in 1.10, be noted; and
- (3) the Savings and Transformation Strategy be updated to reflect the latest projected funding gap as part of the budget setting process.

**\*Recommended to Cabinet**

**OS 24/10 CAPITAL PLAN 2023/24**

The report of the Director of Finance and Transformation considered progress on the 2023/24 Capital Plan Review and requested endorsement of recommendations to the Cabinet. Members were reminded that any aspirations in respect of capital schemes needed to be set within the context of the difficult and challenging financial outlook.

Proposals for List C which included the addition of 'fast track' schemes in respect of food waste collections at communal properties, wet side changing room refurbishment and installation of air source heat pumps at Larkfield Leisure Centre and replacement boilers at the Angel Centre were outlined in 1.7.3 of the report. Funding arrangements and evaluated details for these schemes were set out in 1.7.3 to 1.7.4.

Careful consideration was given to the existing Capital Plan (List A) and List C (as detailed in Annexes 1 – 3) and officers responded to questions raised by Members related to the installation of solar panels, Gibson East refurbishment and a number of potential schemes in Tonbridge.

Particular reference was made to the proposed extension to the Upper Castle Field car park (as detailed in CP35 of the Schedule of List C schemes) and it was clarified that the inclusion of this scheme did not presuppose the outcome of the recent public consultation. It was, therefore, proposed by Cllr Hoskins and seconded by Cllr Thornewell, that this scheme should be 'subject to the decision of Council following the review of outcomes arising from the public consultation'. This proposal was supported by the Committee.

Members recognised the significant financial implications in respect of a number of schemes and were reassured that the costs, risks, works and valuations associated with the projects would be carefully monitored.

Finally, the Committee recorded appreciation to Officers in Finance Services for their contribution in preparing both the Revenue Estimates and the Capital Plan.

**RECOMMENDED\*:** That

- (1) the Capital Plan (List A) position as set out in Annex 1 (attached to the report) be commended to Cabinet for endorsement;
- (2) List C be amended by Cabinet as detailed in 1.5.2 of the report and summarised above, subject to CP35 being amended to reflect that this was 'subject to the decision of Council following the review of outcomes arising from the public consultation;
- (3) the schemes listed in 1.6.4 of the report be selected for evaluation including where recommended for Fast Track evaluation;
- (4) the transfer of the four schemes shown in 1.7.3 of the report from List C to List B be commended to Cabinet for endorsement; and
- (5) the Cabinet be invited to endorse the Capital Strategy (attached at Annex 4) for adoption by the Council and publication on the Council's website.

**\*Recommended to Cabinet**

**OS 24/11 CLIMATE CHANGE GAP ANALYSIS OF PROGRESS TOWARDS CARBON NEUTRAL 2030**

The report of the Interim Chief Executive provided a gap analysis of progress being made towards carbon neutral by 2030. A number of actions that put 'recognising climate change as a corporate priority' were recommended and these were detailed in 1.3 of the report.

Good progress had been made by the Borough Council in reducing emissions and some of these had been sustained into 2023. However, the 2022/23 carbon audit found that total emissions from the organisations estate and operations were no longer reducing and grew slightly between 2021/22 and 2022/23. This evidence suggested that the Borough Council was at the end of easy win emissions reduction measures.

Members recognised the difficulties associated with achieving carbon neutral by 2030 and expressed concern that there was no clear pathway for the Borough Council identified. There was in-depth discussion around carbon offsetting, the emissions arising from the leisure centres

and whether a fundamental review of the Borough Councils assets was beneficial. However, the importance of educating, influencing and raising awareness in respect of climate change was also recognised.

**RECOMMENDED\*: That**

- (1) climate change be included as a mandatory heading for all Committee and Scrutiny Select Committee report templates (as set out in 1.3.5 to 1.3.8);
- (2) an assessment of the potential of each Directorate and Portfolio to contribute to achieving carbon neutral by 2030 should be carried out (as set out 1.3.9 and 1.3.10);
- (3) the 2024/25 climate change action plan be prepared with significant further ambition and new commitments (as set out in 1.3.11); and
- (4) the corporate climate change function support teams in the delivery of recommended actions.

**\*Recommended to Cabinet**

**MATTERS FOR DECISION TAKEN UNDER DELEGATED POWERS**

**OS 24/12 SCOPING REPORT - REVIEW OF THE COUNCIL'S USE OF CONSULTANTS**

The Committee considered the scope of a potential review into the Borough Council's use of consultants.

Members welcomed this review and felt that a focus on consultancy work providing knowledge, techniques and assets to improve performance outside of the Borough Council's expertise and 'business as usual' was appropriate. In addition, procurement and value for money considerations should be part of the review.

To consider the issues raised it was suggested that a summary of the Borough Council's use of consultants over the past 4 years be presented as part of the next stage of this review. This to include who the consultants are, what the consultants provided, the cost of the appointment and the outcome of the appointment. Members also suggested that, for comparative purposes, neighbouring authorities be asked about their use of consultants and consideration should be given to utilising member expertise.

**RESOLVED: That**

- (1) the scope of the review to focus on consultants providing third party expertise not available in the Borough Council and not

persons employed to provide day to day operational resource be endorsed; and

- (2) the next steps of the review, looking at the engagement process, value for money issues and a summary of consultants used over the past 4 years, be agreed.

### **MATTERS FOR INFORMATION**

#### **OS 24/13 RECORD OF DECISIONS TAKEN BY THE EXECUTIVE**

The decisions taken by the Cabinet and Cabinet Members during January 2024 were presented for information and noted by the Committee.

#### **OS 24/14 NOTICE OF FORTHCOMING KEY DECISIONS**

The Notice advised of key decisions anticipated to be taken during February and March 2024. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 at least 28 days before a key decision was expected to be taken, a Notice of Forthcoming Key Decisions should be published.

If there any issues that the Committee wished to scrutinise, they were invited to raise these with the Chair.

#### **OS 24/15 WORK PROGRAMME**

The Work Programme setting out potential matters to be scrutinised during 2024/25 was noted. Members were invited to suggest future items by liaising with the Chair of the Committee.

A number of suggestions raised from the floor would be reviewed by the Scrutiny Officer in liaison with relevant Chairs and Officers.

### **MATTERS FOR CONSIDERATION IN PRIVATE**

#### **OS 24/16 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.35 pm



## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE**

**Wednesday, 31st January, 2024**

**Present:** Cllr D A S Davis (Chair). Cllr D W King (Vice-Chair), Cllr L Athwal, A G Bennison (substitute), Cllr G C Bridge, Cllr R W Dalton, Cllr D Harman, Cllr M A J Hood, Cllr S A Hudson (substitute), Cllr A Mehmet, Cllr W E Palmer, Cllr R V Roud and Cllr D Thornewell

**In attendance:** Councillors F A Hoskins and Mrs A S Oakley were also present pursuant to Council Procedure Rule No 15.21.

**Virtual:** Councillors M A Coffin, S Crisp, M R Rhodes, K B Tanner and M Taylor participated via MS Teams in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors S Bell and P M Hickmott.

#### **HP 24/1 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute Members were recorded as set out below:

- Cllr A Bennison substituted for Cllr P Hickmott
- Cllr S Hudson substituted for Cllr S Bell

In accordance with Council Procedure Rules 17.5 to 17.9 these Councillors had the same rights as the ordinary member of the committee for whom they were substituting.

#### **HP 24/2 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

#### **MATTERS SUBMITTED FOR INFORMATION**

#### **HP 24/3 FUTURE IMPROVEMENT SCHEMES - WATER COMPANIES**

Members received a presentation from the Head of Communications and the Head of Service Management, South East Water on the impact of Covid and climate change on recent events and the company's Water Resource Management Plan which looked ahead into the future to secure water supplies. Particular attention was made to the following:

- The long term Water Resource Management Plan proposed new reservoirs in Broad Oak and Arlington, considered how the company could protect the environment by reducing the abstraction

- from some catchments and targeted significant reductions on leakage.
- During lockdown, there had been a 20% increase in household water consumption and the demand had been met by increasing production and working production assets harder, however this had reduced the margin for error in the network as there was now less spare capacity. The increased demand was not factored into the PR19 business and therefore inhibited investment in short term, however the South East Water were building in more schemes to improve resilience to changing patterns.
  - Various projects had been completed since December 2022 to improve resilience, including works at Ryarsh, Pembury, Aylesford and Bloodshots, and significant progress had been made in the provision of alternate water during incidents and a complete review of all alternative water practices was being undertaken.
  - Following the incident in December 2022, the incident communication tool, 'In Your Area' had been deemed no longer suitable for purpose and an alternative 'Aqualerter' had been launched.
  - In terms of network capacity, the revised Water Resources Management Plan had been published, which detailed the need to increase the water resources available across South East Water regions, whilst working with customers to reduce water consumption.
  - The challenges of sustained heat waves were recognised and the use of water butts encouraged.
  - Members were asked to remind vulnerable residents to register for the priority service operated by South East Water.

During discussion it was explained that South East Water had a programme of water main replacement and were focused on managing water pressures to reduce the amount of leakage network, and attention was brought to the difficulties the company faced in terms of road closures and associated disruption. The possibility of returning grey water to the ground in order to replenish water supplies was raised and noted that although the network was not in place and consideration would need to be given to customer preferences and the financial challenges, there was an opportunity for South East Water to work with developers to determine how rain water could be used on new developments.

In terms of the Local Plan, reassurance was sought that the extra demand would be met and raised the importance of the water supply infrastructure being in place prior to the development of houses to ensure water efficiency.

The Chairman took the opportunity to explain that Southern Water had agreed to attend a future meeting of the Committee and requested that Members provide details of areas of interest in advance of the meeting.

**HP 24/4 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman invited Members of the Committee to identify items for the work programme. A request was received for the matter of Housing Allocations to be added to the work programme due to concerns regarding the backlog of applications.

**HP 24/5 EXCLUSION OF PRESS AND PUBLIC**

There were no matters considered in private.

The meeting ended at 9.00 pm



**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**RECORD OF EXECUTIVE NON-KEY DECISION**

|                                                                            |                                              |
|----------------------------------------------------------------------------|----------------------------------------------|
| <b>Decision Taken By:</b><br><b>Cabinet Member for Finance and Housing</b> | <b>Decision Number:</b><br><b>D230104MEM</b> |
|----------------------------------------------------------------------------|----------------------------------------------|

**Date: 15 November 2023**

|                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Decision(s) and Reason(s)</b>                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>APPLICATION FOR DISCRETIONARY RATE RELIEF</b>                                                                                                                                                                                                                                                                                                                                                                          |
| Following consideration of one new application for discretionary rate relief, the Cabinet Member for Finance and Housing resolved that:<br><br>(1) in respect of the new application for Juvenile Arthritis Research, 1-7 Crabapple Road, Tonbridge, Kent, TN9 1FW, 20% discretionary rate relief be awarded from 17 September 2023 and time limited to 31 March 2025                                                     |
| <b>Reasons for decision:</b><br><br>(1) an award of 20% discretionary rate relief seems appropriate for the services they provide, namely providing support services for children and young people with arthritis (including events, drop-in sessions and other activities).<br><br>(2) Relief to be backdated to 17 September 2023 and time limited to 31 March 2025 which is consistent with previous awards of relief. |
|                                                                                                                                                                                                                                                                                                                                                                                                                           |

|                                                |                  |
|------------------------------------------------|------------------|
| Signed Cabinet Member for Finance and Housing: | K Tanner         |
| Signed Leader:                                 | M Boughton       |
| Signed Chief Executive:                        | J Beilby         |
| Date of publication:                           | 16 November 2023 |

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.



**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**RECORD OF EXECUTIVE NON-KEY DECISION**

|                                                                            |                                              |
|----------------------------------------------------------------------------|----------------------------------------------|
| <b>Decision Taken By:</b><br><b>Cabinet Member for Finance and Housing</b> | <b>Decision Number:</b><br><b>D230105MEM</b> |
|----------------------------------------------------------------------------|----------------------------------------------|

**Date: 15 November 2023**

|                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Decision(s) and Reason(s)</b>                                                                                                                                                                                                                                                                                                                                                               |
| <b>DEBTS FOR WRITE OFF</b>                                                                                                                                                                                                                                                                                                                                                                     |
| (Reason: LGA 1972 Sch 12A Paragraph 2 Information which is likely to reveal the identity of an individual)<br><br>Following a review of irrecoverable debts over £5,000, the Cabinet Member for Finance and Housing resolved that the items shown below be written off:<br><br>(1) 5 council tax debts to the value of £35,725.61<br><br>(2) 8 business rate debts to the value of £150,231.70 |
| <b>Reasons for decision:</b><br><br>All options to recover the debts have been exhausted                                                                                                                                                                                                                                                                                                       |

|                                                |                  |
|------------------------------------------------|------------------|
| Signed Cabinet Member for Finance and Housing: | K Tanner         |
| Signed Leader:                                 | M Boughton       |
| Signed Chief Executive:                        | J Beilby         |
| Date of publication:                           | 16 November 2023 |

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.





**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**RECORD OF EXECUTIVE NON-KEY DECISION**

|                                                                 |                                              |
|-----------------------------------------------------------------|----------------------------------------------|
| <b>Decision Taken By:</b><br><b>Cabinet Member for Planning</b> | <b>Decision Number:</b><br><b>D230107MEM</b> |
|-----------------------------------------------------------------|----------------------------------------------|

**Date: 13 December 2023**

|                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Decision(s) and Reason(s)</b>                                                                                                                                                                                                                                          |
| <b>APPROVAL OF CONSULTATION RESPONSE TO SEVENOAKS DISTRICT COUNCIL'S REGULATION 18 (PART 2) DRAFT LOCAL PLAN</b>                                                                                                                                                          |
| Following consideration, the Cabinet Member for Planning RESOLVED that:<br><br>(1) The draft response to Sevenoaks District Council's Regulation 18 (Part 2) Local Plan consultation be submitted by Philip Waters, Principal Planning Policy Officer, on behalf of TMBC. |
| <b>Reasons for decision:</b><br><br>As detailed in the Briefing Note, attached in the Annex.                                                                                                                                                                              |

|                                     |                  |
|-------------------------------------|------------------|
| Signed Cabinet Member for Planning: | M Taylor         |
| Signed Leader:                      | M Boughton       |
| Signed Interim Chief Executive:     | A Stanfield      |
| Date of publication:                | 18 December 2023 |

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.



**TONBRIDGE & MALLING BOROUGH COUNCIL**

**RECORD OF DECISION**

|                                                                 |                                   |
|-----------------------------------------------------------------|-----------------------------------|
| <b>Decision Taken By:</b><br><b>Cabinet Member for Planning</b> | <b>Decision No:</b><br>D230108MEM |
|-----------------------------------------------------------------|-----------------------------------|

**Date: 14 December 2023**

**Decision(s) and Reason(s)**

**Update on Local Plan Infrastructure Evidence**

**(Report of Director of Planning, Housing and Environmental Health)**

The report summarised the latest position in relation to the preparation of the Infrastructure Delivery Plan (IDP), which covered all forms of infrastructure, including water, wastewater, electricity, gas and telecommunications as well as social and health facilities. It was noted that the IDP was a live document and was regularly updated to reflect the Borough Council's progressing Local Plan and the revised business, service and delivery plans of infrastructure and service providers.

Particular reference was made to the specific emphasis on water resources and sewerage capacity, as a key part of the IDP process, and specific engagement with water providers.

Members had an in-depth discussion on concerns raised over both sewerage and surface water drainage systems and were advised that mitigation measures required in respect of the water/wastewater infrastructure to support growth could be addressed in the IDP, which would be reported to Members for approval in due course, to accompany the emerging Local Plan.

Following consideration by the Housing and Planning Scrutiny Select Committee, the Cabinet Member for Planning resolved that:

- (1) the contents of the report be noted; and
- (2) the approach to infrastructure matters as set out in the report be approved.

Reasons: As set out in the report submitted to the Housing and Planning Scrutiny Select Committee of 14 December 2023.

|                                     |          |
|-------------------------------------|----------|
| Signed Cabinet Member for Planning: | M Taylor |
|-------------------------------------|----------|

|                                 |                  |
|---------------------------------|------------------|
| Signed Leader:                  | M Boughton       |
| Signed Interim Chief Executive: | A Stanfield      |
| Date of publication:            | 19 December 2023 |

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

**Decision Taken By:**  
**Cabinet Member for Transformation and Infrastructure**

**Decision No:**  
**D230109MEM**

**Date: 14 December 2023**

**Decision(s) and Reason(s)**

**Infrastructure Funding Statement 2022/23**

**(Report of Director of Planning, Housing and Environmental Health)**

The report outlined the statutory requirement under regulation 121A for the Brough Council to publish an annual Infrastructure Funding Statement (IFS) and sought approval to publish the annual IFS, attached at Annex 1, and the associated documents outlining S106 contributions secured, allocated and spent where appropriate over the monitoring period of 2022/23.

Particular reference was made to the introduction of a newly proposed Infrastructure Levy, for which a response had been issued to the consultation and a decision was awaited from the central government.

Members welcomed the report, although disappointment had been expressed towards the failing of the Kent County Council in meeting certain delivery timeframes.

With regard to the possibility of repurposing S106 contribution towards alternative projects, Members noted that the developer contribution had to be agreed to directly mitigate the impact arising from the development and any subsequent alteration of its use would be subject to further agreement of the developer via variation.

Following consideration by the Housing and Planning Scrutiny Select Committee, the Cabinet Member for Transformation and Infrastructure resolved that:

- (1) the Infrastructure Funding Statement 2022/23, attached at Annex 1, and the associated documents, attached at Annex 2, be endorsed and published by the end of December 2023.

**Reasons:** As set out in the report submitted to the Housing and Planning Scrutiny Select Committee of 14 December 2023.

Signed Cabinet Member for  
Transformation and Infrastructure:

M Coffin

Signed Leader:

M Boughton

|                                 |                  |
|---------------------------------|------------------|
| Signed Interim Chief Executive: | A Stanfield      |
| Date of publication:            | 19 December 2023 |

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

|                                                                                          |                                          |
|------------------------------------------------------------------------------------------|------------------------------------------|
| <b>Decision Taken By:</b><br><b>Cabinet Member for Transformation and Infrastructure</b> | <b>Decision No:</b><br><b>D230110MEM</b> |
|------------------------------------------------------------------------------------------|------------------------------------------|

**Date: 14 December 2023**

**Decision(s) and Reason(s)**

**Active Travel Strategy**

**(Report of Director of Planning, Housing and Environmental Health)**

The report provided Members with an update on progress and next steps in the preparation of the Tonbridge and Malling Active Travel Strategy (ATS), which was being prepared in accordance with the Department for Transport's published Local Cycling and Walking Infrastructure Plan guidance. Once adopted, this Strategy would replace the current borough Cycling Strategy.

Members noted that a cycle route priorities consultation had been undertaken in 2022 to inform the preparation of the ATS and a full summary of the consultation feedback was included at Annex 1, with headlines highlighted in 1.1.4 of the report. Careful consideration had been given to the feedback received by the project team, with particular reference made to the alternative route suggestions and ideas to improve infrastructure for active travel on local roads and public rights of way. The route suggestions were set out in Annex 2, including comments from the project team.

Queries and concerns were raised over a number of particular routes and Members were assured that future deliveries would be subject to detailed scheme design and public consultation to enable full options to be presented when the draft Strategy was brought back to the Committee for consideration. However, it was recognised that funding remained limited for active travel projects in the coming years.

Following consideration by the Housing and Planning Scrutiny Select Committee, the Cabinet Member for Transformation and Infrastructure resolved that:

- (1) the feedback received to the cycle route priorities consultation and the progress being made, be noted;
- (2) the alternative routes detailed in 1.1.6 of the report be investigated further for potential inclusion within the Active Travel Strategy; and
- (3) the updated timetable as detailed in 1.2.3 of the report, be noted.

**Reasons:** As set out in the report submitted to the Housing and Planning Scrutiny Select Committee of 14 December 2023.

|                                                              |                  |
|--------------------------------------------------------------|------------------|
| Signed Cabinet Member for Transformation and Infrastructure: | M Coffin         |
| Signed Leader:                                               | M Boughton       |
| Signed Interim Chief Executive:                              | A Stanfield      |
| Date of publication:                                         | 19 December 2023 |

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.



## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **RECORD OF EXECUTIVE NON-KEY DECISION**

|                                                                                        |                                    |
|----------------------------------------------------------------------------------------|------------------------------------|
| <b>Decision Taken By: Cabinet Member for Climate Change, Regeneration and Property</b> | <b>Decision Number: D240001MEM</b> |
|----------------------------------------------------------------------------------------|------------------------------------|

**Date: 5 January 2024**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Decision(s) and Reason(s)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>UK SHARED PROSPERITY FUND LIFE SKILLS PROJECT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Following consideration, the Cabinet Member for Climate Change, Regeneration and Property RESOLVED that:<br><br>(1) the brief provided in Appendix 1 and the next steps set out in the covering report be agreed; and<br>(2) any minor amendments to the brief required for the purposes of clarity and presentation be delegated to the Strategic Economic Regeneration Manager.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Reasons for decision:</b><br><br>In July 2022, Cabinet approved our Tonbridge and Malling UKSPF Investment Plan, setting out a three-year programme of activity aimed at supporting three priority areas – ‘Community and Place’, ‘Supporting Local Business’ and ‘People and Skills’. With Year 1 (2022/23) of the programme now completed, and good progress being made on current projects (Year 2 – 2023/24), preparations are now being made for Year 3 projects to make sure that they are up and running in April 2024. One of the projects allocated for Year 3 aims to support a ‘Life Skills Project’ that meets Intervention E33 of the UKSPF Programme:<br><br>“E33: Employment support for economically inactive people: Intensive and wrap-around one-to-one support to move people closer towards mainstream provision and employment, supplemented by additional and/or specialist life and basic skills (digital, English, maths* and ESOL) support where there are local provision gaps”<br><br>A budget of £50,000 has been allocated in the Tonbridge and Malling UKSPF Investment Plan to this initiative for 2024/25, and this report sets out in more detail, the approach to be taken in delivering this initiative in partnership with Sevenoaks District Council. |

|                                                                      |            |
|----------------------------------------------------------------------|------------|
| Signed Cabinet Member for Climate Change, Regeneration and Property: | R Betts    |
| Signed Leader:                                                       | M Boughton |

|                                 |                |
|---------------------------------|----------------|
| Signed Interim Chief Executive: | A Stanfield    |
| Date of publication:            | 8 January 2024 |

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**RECORD OF DECISION**

**Decision Taken By: Cabinet**

**Decision No: D240002CAB**

**Decision Type: Non Key**

**Date: 09 January 2024**

**Decision(s) and Reason(s)**

**Extension of Green Belt - Petition**

**(Report of Director of Planning, Housing and Environmental Health)**

**Consideration was given to a petition received from East Malling and Larkfield and West Malling Parish Councils ‘seeking support for an extension to the Green Belt to protect the green fields between East and West Malling and Kings Hill’.**

The petition organisers addressed the Cabinet in accordance with the Borough Council’s Petition Scheme, as set out in the Constitution, and expressed concern at any potential reliance on strategic gap policy that was undefined and could weaken the adoption of the Local Plan. Petitioners felt that an extension of the green belt would strengthen the Borough Council’s position in protecting historic and rural communities. Concern was also expressed that the expansion of Kings Hill would create an urban sprawl between West Malling, East Malling and Kings Hill.

Due regard was given to the views of the petition organisers and Local Plan, financial and value money considerations, legal implications and risk and equality impact assessments detailed in the report of the Director of Planning, Housing and Environmental Health. Whilst Cabinet understood the points raised by the petitioners, it was recognised that potential extensions to the Green Belt boundary required to be led by evidence and any decisions prior to this being made available were likely to be subject to challenge, which presented risks to future adoption of the Local Plan and damage to the reputation of the Borough Council. However, the Borough Council would continue to explore all options to ensure that settlements retained their own identities.

On the grounds that any decision to formally and firmly support a Green Belt extension at this stage in the plan preparation would be premature and not based on available evidence and would, therefore, likely fail Local Plan examination it was proposed by Cllr Boughton seconded by Cllr Keers and

**RESOLVED:** That

- (1) the Petition seeking support for an extension to the Green Belt be received and noted; and

|                                                                                                        |
|--------------------------------------------------------------------------------------------------------|
| (2) all policy options continue to be explored to provide protection for the green belt and open land. |
|--------------------------------------------------------------------------------------------------------|

|                                                                          |
|--------------------------------------------------------------------------|
| Reasons: As set out in the report submitted to Cabinet of 9 January 2024 |
|--------------------------------------------------------------------------|

Signed Leader: M Boughton

Signed Interim Chief Executive: A Stanfield

Date of publication: 11 January 2024

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

**Decision Taken By: Cabinet**  
**Decision No: D240003CAB**  
**Decision Type: Non Key**  
**Date: 09 January 2024**

**Decision(s) and Reason(s)**

**Tonbridge Model Engineering Society - Petition**

**(Report of Interim Chief Executive)**

**Consideration was given to a petition from the Tonbridge Model Engineering Society 'urging Tonbridge Council to think again about the new Leisure Centre location'.**

The petition organisers addressed the Cabinet in accordance with the Borough Council's Petition Scheme and, whilst understanding that new facilities would be a benefit to Tonbridge, reminded of the importance of preserving local heritage and that the miniature railway was a cherished part of the towns community as demonstrated by the number of signatures on the petition.

Due regard was given to the points made by the petition organisers and the views expressed by local Members, who also recognised that the miniature railway was a valuable and much loved feature of Tonbridge. It was also emphasised that, although the Tonbridge and Malling Leisure Trust had indicated in their business plan that the miniature railway site was their preferred location if leisure facilities were relocated from the Angel Centre, there was no formal Council decision in place relating to this point. The difficulties associated with the site in terms of flooding and parking were widely known and accepted.

On the grounds of providing clarity for the Tonbridge Model Engineering Society, it was proposed by Cllr Boughton seconded by Cllr Taylor that the Borough Council's existing position be confirmed as set out below.

**RESOLVED:** That

- (1) the existing position be confirmed:
  - the site currently occupied by the Tonbridge Model Engineering Society for the Miniature Railway continued to be available for this purpose and would not be used for alternative leisure facilities in Tonbridge; and
- (2) Tonbridge Model Engineering Society be invited to put forward proposals to start a negotiation over an updated agreement between the two parties for this use on site.

**Reasons:** As set out in the report submitted to Cabinet of 9 January 2024

Signed Leader:

M Boughton

Signed Interim Chief Executive: A Stanfield

Date of publication: 11 January 2024

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

**Decision Taken By: Cabinet**  
**Decision No: D240004CAB**  
**Decision Type: Non Key**  
**Date: 09 January 2024**

**Decision(s) and Reason(s)**

**Review of Fees and Charges 2024/25**

**Consideration was given to recommendation FRP 23/28 of the Finance, Regeneration and Property Scrutiny Select Committee of 14 November 2023 in respect of proposed fees and charges for the provision of services related to legal fees, photocopying, Street Name and Numbering, local land charge searches and enquiries, Tonbridge Castle and recovering unpaid Council Tax debts from 1 April 2024.**

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and legal implications and recognised that in bringing forward the charging proposals for 2024/25 consideration had been given to a range of factors including the Borough Council's overall financial position, market position, trading patterns and the current rate of inflation and customer feedback.

**RESOLVED:** That

- (1) the proposed charges for legal costs, as set out in 1.2 of the report, be adopted with effect from 1 April 2024;
- (2) the current photocopying charges of £0.10 (inclusive of VAT) for each page of the same document or additional copies of the same page plus postage as appropriate, as set out in 1.3.4 of the report, be retained;
- (3) the proposed fee schedules for Street Naming and Numbering, as set out in 1.4 of the report, be adopted with effect from 1 April 2024, subject to noting that, following clarification requested by the Finance, Regeneration and Scrutiny Select Committee, the percentage fee increases set out in the table were correct and paragraph 1.4.4 should indicate that '... as a starting point of 7%';
- (4) the proposed scale of fees for local land charges searches and enquiries, as set out in Annex 1 and 1.5 of the report, be adopted with effect from 1 April 2024;
- (5) the proposed fees and charges for 2024/25 related to Tonbridge Castle, as set out in 1.6 of the report, be adopted with effect from 1 April 2024; and
- (6) the amount of costs charged in 2024/25 to recover unpaid Council Tax debts be increased from £100 to £110, as set out in 1.7 of the report, with effect from 1 April 2024.

Reasons: As set out in the report submitted to the Finance, Regeneration and Property Scrutiny Select Committee of 14 November 2023

Signed Leader: M Boughton

Signed Interim Chief Executive: A Stanfield

Date of publication: 11 January 2024

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.



**Decision Taken By: Cabinet**  
**Decision No: D240005CAB**  
**Decision Type: Non Key**  
**Date: 09 January 2024**

**Decision(s) and Reason(s)**

**Economic Development Strategy 2023 - 2027**

**Consideration was given to recommendation FRP 23/29 of the Finance, Regeneration and Property Scrutiny Select Committee of 14 November 2023.**

Cabinet gave due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and the legal implications and noted that the proposed changes to the draft Economic Development Strategy 2023-2027 reflected the feedback received during the consultation exercise undertaken in Autumn 2023.

**RESOLVED:** That

- (1) the report be noted; and
- (2) the revised Economic Development Strategy 2023-2027, as set out in Appendix 1, be approved, subject to the definition of the 'Markets' as in 'Programme of Town Centre Events and Markets' under the theme of 'Vibrant Town Centres' being added to the Action Plan to clarify its coverage of farmers' markets.

**Reasons:** As set out in the report submitted to the Finance, Regeneration and Property Scrutiny Select Committee of 14 November 2023

Signed Leader: M Boughton

Signed Interim Chief Executive: A Stanfield

Date of publication: 11 January 2024

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

**Decision Taken By: Cabinet**  
**Decision No: D240006CAB**  
**Decision Type: Non Key**  
**Date: 09 January 2024**

**Decision(s) and Reason(s)**

**Review of Outside Bodies**

**Consideration was given to recommendation OS 23/53 of the Overview and Scrutiny Committee of 16 November 2023 in respect of the recent review of appointments to outside bodies.**

Cabinet gave due regard to the views of the Committee, the financial and value for money considerations and the legal implications and supported the distribution of outside bodies appointments being divided between the Overview and Scrutiny Committee and the 3 Scrutiny Select Committees to enable effective engagement to be undertaken as it was recognised that the organisations all operated very differently, with varied requirements from their nominated representative. As a result of the review, there was consensus that the perceived benefits were being achieved although it was apparent that there was a lack of consistent reporting back to the Borough Council.

**RESOLVED:** That

- (1) the approach of distributing the annual appointments to outside bodies list between the Overview and Scrutiny Committee and the 3 Scrutiny Select Committees, as set out in 1.2.3 of the report, be endorsed by Cabinet; and
- (2) each Scrutiny Committee be invited to consider how to receive feedback from the outside bodies assigned to them.

Reasons: As set out in the report submitted to the Finance, Regeneration and Property Scrutiny Select Committee of 14 November 2023

Signed Leader: M Boughton

Signed Interim Chief Executive: A Stanfield

Date of publication: 11 January 2024

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

**Decision Taken By: Cabinet**  
**Decision No: D240007CAB**  
**Decision Type: Non Key**  
**Date: 09 January 2024**

**Decision(s) and Reason(s)**

**Sustainable Temporary Accommodation Options Report and Temporary Accommodation Provision Action Plan**

**Consideration was given to recommendation FRP 23/29 of the Finance, Regeneration and Property Scrutiny Select Committee of 14 November 2023 in respect of a Temporary Accommodation Portfolio Action Plan (attached at Annex 2).**

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations and the legal implications and noted that the Action Plan had been developed to address sustainable TA provision. The Action Plan had been informed by a consultant's options report.

Finally, it was noted that further details in respect of temporary accommodation options would be presented to full Council in due course.

**RESOLVED:** That

- (1) the Temporary Accommodation Portfolio Action Plan (attached at Annex 2) be approved and adopted.

Reasons: As set out in the report submitted to the Housing and Planning Scrutiny Select Committee of 14 December 2023

Signed Leader: M Boughton

Signed Interim Chief Executive: A Stanfield

Date of publication: 11 January 2024

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

**Decision Taken By: Cabinet**  
**Decision No: D240008CAB**  
**Decision Type: Key**  
**Date: 09 January 2024**

**Decision(s) and Reason(s)**

**Review of the Planning Performance Agreement Protocol and Fee Charging Schedule 2024/25**

**Consideration was given to recommendation HP 23/26 of the Housing and Planning Scrutiny Select Committee of 14 December 2023 in respect of the review of the Planning Performance Agreement Protocol (PPA) and fee charging schedule for 2024/25.**

Due regard was given to the views of the Scrutiny Select Committee, the financial and value for money considerations and legal implications. Cabinet welcomed the introduction of an 'inception meeting' to support the Planning Performance Agreement Protocol and recognised that, whilst fees were set on a cost recovery only basis, the current fee schedule did not recover the full costs of the service. Therefore, Cabinet supported the revised charging schedule for 2024/25 (attached at Annex 3).

**RESOLVED:** That

- (1) the amendment and publication of the Planning Performance Protocol (attached at Annex 1) be approved;
- (2) the inception meeting (attached at Annex 2) be adopted; and
- (3) the updated Planning Performance Agreement charging schedule for 2024/25 (attached at Annex 3) be adopted.

**Reasons:** As set out in the report submitted to the Housing and Planning Scrutiny Select Committee of 14 December 2023

Signed Leader: M Boughton

Signed Interim Chief Executive: A Stanfield

Date of publication: 11 January 2024

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

**Decision Taken By: Cabinet**  
**Decision No: D240009CAB**  
**Decision Type: Key**  
**Date: 09 January 2024**

**Decision(s) and Reason(s)**

**Review of Fees and Charges 2024/25 for Pre-application Advice Service, Building Control Fees and for High Hedges and S106 Monitoring Fees**

**Consideration was given to recommendation HP 23/37 of the Housing and Planning Scrutiny Select Committee of 14 December 2023 in respect of fees and charges for pre-application advice, building control, high hedges and s106 monitoring fees for 2024/25.**

Due regard was given to the views of the Scrutiny Select Committee, financial and value for money considerations and legal implications. It was recognised that fees were set on the basis of cost recovery and/or increased by the baseline rate of the inflation. Cabinet welcomed the benchmarking exercises undertaken against the fees charged by other local authorities in Kent which had been detailed in the report to the Scrutiny Select Committee.

**RESOLVED:** That

- (1) the proposed Pre-application Charging Schedule 2024/25 (attached at Annex 1) be adopted;
- (2) the proposed Building Control Fee Schedule 2024/25 (attached at Annex 2) be adopted;
- (3) the proposed charging fees for High Hedges (detailed in the Scrutiny Select Committee report) be adopted; and
- (4) the proposed charging fees for s106 monitoring, including an update to the Planning Obligations Protocol S106 (detailed in the Scrutiny Select Committee report) be adopted.

**Reasons:** As set out in the report submitted to the Housing and Planning Scrutiny Select Committee of 14 December 2023.

Signed Leader: M Boughton

Signed Interim Chief Executive: A Stanfield

Date of publication: 11 January 2024

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

**Decision Taken By: Cabinet**  
**Decision No: D240010CAB**  
**Decision Type: Key**  
**Date: 09 January 2024**

**Decision(s) and Reason(s)**

**HMO and Caravan Site Licensing Fee Charges for 2024/25**

**Consideration was given to recommendation HP 23/38 of the Housing and Planning Scrutiny Select Committee of 14 December 2023 in respect of fee charges for HMO and Caravan Site Licensing for 2024/25.**

Due regard was given to the views of the Scrutiny Select Committee, financial and value for money considerations and legal implications. Following a review of administrative costs associated with charging for HMO and caravan site licences, proposals for revised charges were detailed in the report considered by the Scrutiny Select Committee. Cabinet welcomed the data from neighbouring Kent authorities for comparison.

**RESOLVED:** That with effect from 1 April 2024

- (1) the proposed charge of £753 for processing a new mandatory house in multiple occupation (HMO) licence application, as set out in 1.1.5 of the report, be approved;
- (2) the proposed charge of £675 for processing a renewal application for a mandatory HMO licence, as set out in 1.1.5 of the report, be approved;
- (3) the proposed charge of £475 for processing a new caravan site licence application where the use of the site was for permanent residential use, as set out in 1.2.3 of the report, be approved;
- (4) the proposed charge of £232 for the transfer of a caravan site licence for a permanent residential use site, as set out in 1.2.3 of the report, be approved; and
- (5) the proposed charge of £273 for processing a fit and proper person test application for licence holders of relevant protected sites other than non-commercial family occupied sites, as set out in 1.2.7 of the report, be approved.

**Reasons:** As set out in the report submitted to the Housing and Planning Scrutiny Select Committee of 14 December 2023.

Signed Leader: M Boughton

Signed Interim Chief Executive: A Stanfield

Date of publication: 11 January 2024

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.





**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**RECORD OF EXECUTIVE NON-KEY DECISION**

|                                                                            |                                              |
|----------------------------------------------------------------------------|----------------------------------------------|
| <b>Decision Taken By:</b><br><b>Cabinet Member for Finance and Housing</b> | <b>Decision Number:</b><br><b>D240011MEM</b> |
|----------------------------------------------------------------------------|----------------------------------------------|

**Date: 16 January 2024**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Decision(s) and Reason(s)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>APPLICATION FOR HARDSHIP RELIEF</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Following consideration of an application for hardship relief, the Cabinet Member for Finance and Housing resolved that:<br><br>(1) in respect of the application from Cave Direct Ltd, Units B9 & 10, Larkfield Trading Estate, New Hythe Lane, Larkfield, Aylesford, Kent, ME20 6SW, £10,000 hardship relief be awarded to partly offset the loss of CARF (Covid 19 Additional Relief Fund) Relief following a revaluation of the property.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Reasons for decision:</b><br><br>(1) The fall in profit was not considered to be solely due to the business rate change. Other factors such as staff and internet cost increases and a reduction in sales, all contributed to this.<br>(2) It was felt the ratepayer's agent should have undertaken more due diligence when submitting the appeal to the Valuation Office which would have identified the potential loss of CARF relief.<br>(3) It was felt the full amount of hardship relief claimed (£30,863.36) was not appropriate for the reasons mentioned. However, as this is a local business, that had been trading in Larkfield for 24 years and who employed many people from the local area, it was decided an award of £10,000 was appropriate.<br>(4) The relief is awarded in accordance with Section 49 Local Government Finance Act 1988.<br>(5) The cost to Tonbridge & Malling Borough Council is £4,000. |

|                                                |                 |
|------------------------------------------------|-----------------|
| Signed Cabinet Member for Finance and Housing: | K Tanner        |
| Signed Leader:                                 | M Boughton      |
| Signed Interim Chief Executive:                | A Stanfield     |
| Date of publication:                           | 16 January 2024 |

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**RECORD OF EXECUTIVE NON-KEY DECISION**

|                                                                                          |                                              |
|------------------------------------------------------------------------------------------|----------------------------------------------|
| <b>Decision Taken By:</b><br><b>Cabinet Member for Transformation and Infrastructure</b> | <b>Decision Number:</b><br><b>D240012MEM</b> |
|------------------------------------------------------------------------------------------|----------------------------------------------|

**Date: 25 January 2024**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Decision(s) and Reason(s)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>KENT CYCLING AND WALKING INFRASTRUCTURE PLAN – CONSULTATION RESPONSE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p>Following consideration of the Kent Cycling and Walking Infrastructure Plan, the Cabinet Member for Transformation and Infrastructure RESOLVED that:</p> <p>(1) The Officer response (set out below) submitted by Officers to Kent County Council to meet the consultation deadline of 10 January 2024 be endorsed:</p> <ul style="list-style-type: none"><li>Whilst in isolation many of the suggestions on the Tonbridge walking zone plan could be welcomed, it is possible that these will be superseded by or conflict with proposals that are included in the Tonbridge and Malling Active Travel Strategy (LCWIP). This is progressing alongside our Local Plan and a full draft will be published as part of our regulation 18b consultation later this year. Through the officer steering group for our LCWIP there will be opportunity to discuss if any of the KCWIP proposals for Tonbridge could be integrated, meetings will be scheduled in due course.</li><li>TMBC would prefer that the cycling/wheeling and walking route proposals that will be included within our emerging Active Travel Strategy LCWIP are subsequently integrated into the KCWIP, once this has progressed through appropriate committees and public consultation. These are being informed by audits that have been prepared by consultants DHA.</li></ul> |
| <b>Reasons for decision:</b> As set out in the Borough Councils consultation response.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

|                                                              |                 |
|--------------------------------------------------------------|-----------------|
| Signed Cabinet Member for Transformation and Infrastructure: | M Coffin        |
| Signed Leader:                                               | M Boughton      |
| Signed Chief Executive:                                      | A Stanfield     |
| Date of publication:                                         | 25 January 2024 |

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**RECORD OF EXECUTIVE NON-KEY DECISION**

|                                                                                |                                    |
|--------------------------------------------------------------------------------|------------------------------------|
| <b>Decision Taken By: Cabinet Member for Transformation and Infrastructure</b> | <b>Decision Number: D240013MEM</b> |
|--------------------------------------------------------------------------------|------------------------------------|

**Date: 30 January 2024**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Decision(s) and Reason(s)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>UPDATE OF MEMBERSHIP FOR STRATEGIC DEVELOPMENT OBLIGATIONS MONITORING GROUP</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p>The Cabinet Member for Transformation and Infrastructure resolved that:</p> <p>(1) the amended group proposal shall be approved.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>Reasons for decision:</b></p> <p>Due to the discrepancies between the main Overview and Scrutiny Committee report and annexe dated 26<sup>th</sup> January 2023 (attached) as well as the recent election, the proposed group members has been subject to change.</p> <p>It is proposed that the group now consists of the following members:</p> <p><b>S106 Strategic Monitoring Group</b></p> <ul style="list-style-type: none"><li>• Director of Planning, Housing &amp; Environmental Health (Chair)</li><li>• Head of Planning</li><li>• Planning Policy Manager</li><li>• Development Management Manager</li><li>• Team Leader – Major Projects</li><li>• Head of Legal and Democratic Services</li><li>• Cabinet Member for Transformation &amp; Infrastructure</li><li>• Cabinet Member for Planning</li><li>• Chair of Housing &amp; Planning Scrutiny Select Committee</li><li>• 1 representative from each of the Liberal Democrats, Green Party and Labour Groups</li></ul> |

|                                                              |                 |
|--------------------------------------------------------------|-----------------|
| Signed Cabinet Member for Transformation and Infrastructure: | M Coffin        |
| Signed Leader:                                               | M Boughton      |
| Signed Interim Chief Executive:                              | A Stanfield     |
| Date of publication:                                         | 31 January 2024 |

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.